

The Great Case
of
Tithes

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Anthony
Pearson

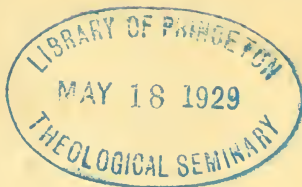
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THE
GREAT CASE
OF
TITHES

Truly Stated, Clearly Open'd,
And fully Resolv'd,

BY
ANTHONY PEARSON,
FORMERLY
A Justice of Peace
IN
WESTMORLAND.

WITH
AN APPENDIX.

LONDON:

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THE

PREFACE.

THE Great Case of Tithes, by Anthony Pearson, *having been long out of Print, and now Reprinted, we thought it might not be improper to give the Reader some Account of the Author, and the Circumstances which occasioned the writing of it.*

Anthony Pearson was a Justice of Peace in Westmorland. He publish'd his *Treatise of Tithes* in the Year 1657, which was so well receiv'd by the Publick, that in about two Years it pass'd Three Editions.

The Cry of Oppression being great from divers Parts of the Nation, because of the severe Prosecutions for Tithes, the Author was excited to write on that Head, in Compassion to the Sufferers; and to remove, if possible, by Reason and sound Argument, the Yoke and Burthen of Tithes from off the laborious Husbandman, and, otherwise, a free People.

The Parliament had, some Years before, reliev'd the Subject, from the Power and Jurisdiction of the Ecclesiastical Courts, to which Prosecutions for Tithes were limited by an Act made in the Thirty second Year of Henry the Eighth; but the People did not long enjoy the Benefit of that Relief: For some, who styl'd themselves Ministers of the Gospel, got an Ordinance of Parliament for the Ordination of Ministers pro Tempore, Dated October the 2d 1644. And another for Tithes, Dated November the 8th following. Upon this they fell to prosecuting such as refus'd to pay them Tithes, in the Courts at Westminster, and petty Courts in the Country, and the Severity of their Prosecutions was so great, that the Author has taken particular Notice of it, and

See p. 43* *set forth some of their cruel Exactions.

After he has given an Extract, or short History of Tithes, from the first Appointment of them under the Law, taken mostly from the History of Tithes by the Learned Antiquary J. Selden, he then considers the several Claims made;

*made to them. As first, By Divine Right. Secondly, By the Gifts of Kings and Princes. Thirdly, By the Laws of Kings and Parliaments. Fourthly, By Particular Gifts, Appropriation, Consecration and Donation of the Owners of the Land. Fifthly, By Prescription and Legal Possession. Sixthly, By Purchase. The Arguments advanced for each of these Claims, are particularly answer'd; and, the Author says, he labour'd diligently for two Years and more, to inform himself fully what could be alledg'd for them.**

**See p. 30*

But observing, that he is not so full in his Answers to the Arguments for the Divine Right as he might have been, giving, we think, this as a Reason for it, ‘ Tho’ Divine Right, says he, *See p. 31
‘ hath been long pretended, few are
‘ now left who will only stand to it,
‘ and the generality, both of Law-
‘ yers, Priests and People, are of a
‘ contrary Mind;’ we have collected
and put together in an Appendix, such
Arguments as we found advanced against
the Divine Right of Tithes, in Pieces
publish’d*

publish'd either some Years before, or presently after, this Author's ; by which the Reader may judge, whether any of them could have that Force upon the Generality of Lawyers, Priests and People, as to make them of a contrary Mind. And we thought such a Collection might have this farther Service, that in Time to come, it might prevent Authors from advancing Reasons and Arguments for the Divine Right of Tithes, as some have done very lately, which were fully answer'd and confuted so long ago.

In this Appendix, we have also given a short Account how the Author came to embrace the Principles of the People call'd Quakers, and in what Manner some of the First of them appear'd, and publish'd their Doctrine and Principles in this Nation, and the Opposition they met with from the Teachers of those Times, for preaching against Tithes and Hireling Ministers.

T H E
 Author's Preface
 T O T H E
 Great Case of T I T H E S.

*To the COUNTRY-MEN, FARMERS,
 and HUSBANDMEN of ENGLAND.*

IT is for your Sakes that this small Treatise is sent abroad, that in a matter wherein you are so much concern'd, you might be truly informed: And because there are many differing Opinions, and of late Years have been great Disputes, concerning the Right of Tithes, which makes the Case seem difficult to be resolved, I have given you the Substance of all that ever I could find written, or hear discoursed, touching that Point; and for more than Two Years last past, I have made much Enquiry into it; and if there be any who have something to say for them, which is not herein touched, or in some general

B Head

Head comprehended, it shall be acceptable to me to receive it.

The Method of the Discourse.

First, *I have begun with Tithing among the Jews, which, either in Precept or Example, is the Foundation of all others.*

Secondly, *I have given you a short View of the Doctrines, Opinions, Decrees and Practices of the Primitive Church concerning them, and from thence downward untill this Day, which is enough to clear the whole Point.*

Thirdly, *Out of which, having made some short Observations, I state the Case as it concerns us in England.*

Fourthly; *And then hearing what every one hath to say for them, and giving them particular Answers;*

Fifthly, *I proceed to satisfy some great Objections, and so conclude the whole, in as much Brevity as the Variety of the Subject would permit.*

A. P.

THE

T H E
G R E A T C A S E
O F
T I T H E S , &c.

Of TITHING among the J E W S.

G O D having chosen *Aaron* and his Sons for the Office of the Priesthood, and the rest of the Tribe of *Levi* for the Service of the Tabernacle, he gave unto the *Levites* all the Tenth in *Israel* for an Inheritance for their Service, and they were to have no Inheritance among the Children of *Israel*.

AND the *Levites* out of their Tithe, were to offer up an Heave-Offering of it for the Lord, even the tenth Part of the Tithe, and give it unto *Aaron* the Priest for himself and his Sons; and no other Portion had the Priests out of the Tithes, but they were for the *Levites* that did the common Services of the Tabernacle, for the Strangers, for the Fatherless and the Widows.

BESIDES the tenth of the Tithe, the Priests had *Deut. 18.4* the first ripe Fruits of the Ground, of Wheat, of Barley, of Figs, of Grapes, of Olives, of Pomegranates and Dates, at what Quantity the Owner *Ex. 45.13.* pleased; an Heave-Offering also of Corn, Wine,

Oyl, Fleece, and the like, was given to the Priests at the sixtieth Part, sometimes at the fiftieth or more, at the Devotion of the Owner.

OF Cattle also the First-born were the Lord's, paid to the Priests, of clean Beasts in kind, of unclean in Money, with a fifth Part added: Also divers Parts of the Sacrifices were appointed for the Priests.

BUT no Tithes did the Priests receive of the People; for those belonged to the *Levites* that were appointed over the Tabernacle, and the Instruments thereof, to bear it, to take it down, and set it up, to serve *Aaron* and his Sons, and to do the Services of the Tabernacle, and keep the Instruments thereof; and their Service chiefly was upon removing of the Host; for better ordering whereof, and every ones Service, they were divided into three Parts, the *Kohathites*, the *Gershonites* and the *Merarites*, and these received Tithes of the People, and out of them, a tenth Part they delivered to the Priests.

AFTERWARDS, when *Solomon* had builded a Temple, and placed the Ark therein, other Offices were appointed for the *Levites*; one Part of them were to be Singers; another to be Porters, and take the Charge of the Gates of the Temple; another to be Keepers of the Treasury: others of them also were placed abroad in the Country, on the West Side of *Jordan* one Thousand seven Hundred, and on the East Side two Thousand seven Hundred.

BY this Time also the Posterity of *Aaron* being much encreased, the Priests were divided into twenty four Ranks or Courses, according to the Names of their Families, and every ones Attendance was required by Turns; and hereupon *Zacharias* is said to be of the Course of *Abia*, and to execute the Priests Office, and burn Incense as his Turn came,

came, *Luke i.* and the first of the first Rank had the Pre-eminence, and was the High-Priest, and so every one according to their Precedency were preferred.

THE *Levites*, that were Singers, were divided as the Priests, into twenty four Ranks or Courses; the Porters into five Parts, one Part to every of the four Gates of the Temple, and the fifth to *Asupim*, i. e. the Council-House.

THE Treasury was generally committed to one, as the chief, but under him to two Sorts of other Officers; one to keep the Treasures of the House of the Lord, and those Things that were offered to the Lord; and the other to keep the dedicate Things: In these Treasuries were put the second Tithes, the Offerings of all Sorts of People, which were for the Uses and Services of the Temple, for the Fatherless, the Stranger, and the Widow.

AFTER the Captivity, and new Dedication of the Temple, it appears, that in many particulars, their Laws, Ordinances and Customs, were very much changed, especially in this of Tithing: But not being much pertinent to this Discourse, I shall pass them over; only from these short Hints, let the Reader understand, that though the Priests and *Levites* were both of the Tribe of *Levi*, yet was the Priesthood settled in the Sons of *Aaron*, and the Offices of the Priests were quite different from the *Levites*, and so was their Maintenance distinct, as before is herein plainly shewed.

THESE Priests and *Levites* being separated for the Work of the Lord, in the Tabernacle and in the Temple they ministred according to the Ordinances of the first Covenant, which were Figures for the Time then present, and Shadows of good Things to come.

*A View of the Doctrines, Decrees and Practices
of TITHING, from the Infancy of the
Christian Church, until this Day.*

BUT in the Fulness of Time, God raised up another Priest, Christ Jesus, who was not of the Tribe of *Levi*, nor consecrated after the Order of *Aaron*; for he pertained to another Tribe, of which no Man gave Attendance at the Altar, who (having obtained a more excellent Ministry, of a greater and more perfect Tabernacle, not of the former Building, being the Sum and Substance of all the Patterns of Things under the first Covenant) put an End to the first Priesthood, with all its Shadows, Figures, and carnal Ordinances, and changing the Priesthood, which had a Command to take *Tithes* of their Brethren, there was made of Necessity also a Change of the Law, and a disannulling of the Commandment going before, which was but imposed until the Time of Reformation.

AND the Apostles and Ministers of *Christ Jesus*, when he had finished his Office upon Earth, by offering up himself through the Eternal Spirit, a Sacrifice without Spot unto God, did not look back to the Ordinances of the former Priesthood, but testified an End was put unto them; and witnessed against the Temple, wherein the Priests ministered, for which *Stephen* was stoned to Death; against Circumcision, saying, *It was not that of the Flesh*; against the Passover, Priests, &c. and preached up Christ Jesus and his Doctrine, the new and living Way, which was not made manifest while as the first Tabernacle was standing. Nor did they go about to establish the Law by which Tithes were given in the former Priesthood, but freely they preached the Gospel which they had received,

ceived, and did not require any settled Maintenance, but lived of the free Offerings and Contributions of the Saints, who by their Ministry were turned to Christ Jesus.

AT *Jerusalem* and thereabouts, such was the Unity of Heart among the Saints in the Apostles *Acts 4.34* Time, that all Things were in common, and none wanted; and as many as were Possessors of Lands or Houses, sold them, and brought the Price and laid it down at the Apostles Feet, and it was distributed unto every Man according as he had Need.

So the Church gathered by (a) Mark at *Alexandria* in *Ægypt*, followed the same Rule as the Saints did at *Jerusalem*, having all Things in common: And *Philo Judæus* a famous Author of that Time, reporteth, that not only there, but in many other Provinces, the *Christians* lived together in Societies.

In the Churches at *Antioch*, the Saints possessed every Man his own Estate; so likewise in *Galatia* *Acts 11.29* and *Corinth*, where the Apostle ordained, that *1 Cor. 16.2* Weekly-Offerings for the Saints should be made by every one as God had blessed him; and by these Offerings (which were put into the Hands of the Deacons of the Churches) were all the Services and Needs of the Church supplied.

(b) By Example of these, the Course of Monthly Offerings succeeded in the next Ages, not exacted, but freely given at the Bounty of every Man, as appears plainly by *Tertullian* in *Apolog.* ch. 39. where, upbraiding the *Gentiles* with the Piety and Devotion of *Christians*, he saith, *Whatsoever we have in the Treasury of our Churches, is not raised by Taxation, as though we put Men to ransom their Religion, but every Man once a Month, or when it*
B 4
pleaseth

(a) Hieron. in vitâ Marc.

(b) Vide Synod. Gangr. Can. 60.

pleaseth himself, bestoweth what he thinks good, and not without he listeth; for no Man is compelled, but left free to his own Discretion: and that which is given, is not bestowed in Vanity, but in relieving the Poor, and upon Children destitute of Parents, and Maintenance of aged and feeble Persons, Men wrecked by Sea, and such as are condemned to the Metal-Mines, banished into Islands, or cast into Prison, professing the true God, and the Christian Faith.

AND this Way of Contribution continued in the Church, till the great Persecution under *Maximian* and *Dioclesian*, about the Year 304, as (c) *Eusebius* testifieth, which also appears by the Writings of *Tertullian*, *Origen*, *Cyprian*, and others.

ABOUT this Time also, some Lands began to be given to the Church, and the Revenue of them was brought into the Treasury of the Church, and belonged to the Church in common, and was distributed as other Offerings, by the Deacons and Elders; but the Bishops or Ministers meddled not therewith: for (d) *Origen* saith, *It is not lawful for any Minister of the Church to possess Lands (given to the Church) to his own Use*; And called to the Ministers, *Let us depart from the Priests of PHARAOH, who enjoy earthly Possessions, to the Priests of the LORD, who have no Portion in the Earth.* And in another Place he saith, *It becometh us to be faithful in disposing the Rents of the CHURCH, that we our selves devour not those Things which belong to the Widows, and the Poor, and let us be content with simple Diet, and necessary Apparel.* And (e) *Urban* Bishop of Rome, Anno 227, did declare, *That the CHURCH might receive Lands and Possessions offered*

(c) *Euseb. lib. 4. ch. 22.*

(d) 16 Homily upon Genesis, fol. 26. ch. 3.

(e) *Urban 1. in Epist. c. 12. q. 1. c. 161.*

offered by the Faithful, but not to any particular Man's Benefit, but that the Revenues thereof should be distributed as other Offerings, as Need required.

(f) CYPRIAN Bishop of Carthage, about the Year 250, also testifieth the same, and sheweth, that the Church maintained many Poor, and that her own Diet was sparing and plain, and all her Expences full of Frugality.

(g) PROSPER also saith, that a Minister able to live of himself, ought not to participate of the Goods of the Church; for saith he, *They that have of their own, and yet desire to have somewhat given them, do not receive it without great Sin.*

(h) THE Council at Antioch, Anno 340, (finding that much Fault had been among the Deacons, to whom it properly belonged) did ordain, that the Bishops might distribute the Goods of the Church, but required that they took not any Part to themselves, or to the Use of the Priests and Brethren that lived with them, unless that Necessity did justly require it, using the Words of the Apostle, *Having Food and Raiment, be therewith content.*

IN these Times, in many Places, the Christian Converts joined themselves in Societies, and chose a separate Life, selling what they had, and living together in common, after the Example of the former Saints about Jerusalem, as (i) Chrysostom notes, who lived about the Year 400, by whose Writings it also appears, that there was not the least Use or Practice of the Payment of Tithes in those former Ages.

THE Church now living altogether by free Offerings of Lands, Money and Goods, the People were

(f) Cyprian Epist. 27, 34, 36.

(g) Lib. 21. de vitâ contemplativâ.

(h) Con. Ant. cap. 25.

(i) Hom. 11. in Acta Tom. 6. Edit. Saviliana, pag. 897.

were much pressed to bountiful Contributions for holy Uses, as may be seen by the Writings of (k) *Hierom* and *Chrysostom*, who brought the *Jewish* Liberality in their Payments of Tenth's, for an Example, beneath which they would not have Christians determine their Charity ; where *Chrysostom* says, he speaks these Things not as commanding or forbidding that they should give more, yet as thinking it fit, that they should not give less than the tenth Part. (l) *Hierom* also doth earnestly admonish them to give bountifully to the Poor, and double Honour to him that labours in the Lord's Work ; not binding at all to offer this or that Part, leaving them to their own Liberty, but pressing they might not be more short than the *Jews* were.

(m) *AMBROSE* who was Bishop of *Milan*, about the Year 400, preached up Tenth's to be offered up for holy Uses, (as the Phrase then was) as may be seen in his Sermon of Repentance ; but his Authority he produceth wholly from *Moses's* Writings, and quotes divers Sentences, and threatens the People, that if they would not pay their Tenth's, God would reduce them to a *Tenth*.

In like Manner (n) *Augustin* Bishop of *Hippo*, hath

(k) Homil. 43. ad Epist. 1. ad Corinth. in cap. 16.

(l) Ad cap. 3. Malachiæ.

(m) Tom. 5. Sermon. fer. 2. post dom. 1. quadragesima, & vide Sermon. in Ascens. Domini.

(n) In Sermon. de temp. in Tom. 10. Hæc est (saith he) Domini iustissima consuetudo, ut si tu illi decimam non dederis, tu ad decimam revoceris.

And afterwards with much Earnestness, Decimæ ex debito requiruntur, & qui eas dare noluerit, res alienas invasit ; & quanti pauperes in locis ubi ipse habitat, illo decimas non dante, fame mortui fuerint, tantorum homicidiorum reus ante Tribunal æterni judicis apparebit, quia à Domino pauperibus delegatum suis usibus reservavit. Qui ergo sibi aut præmium comparare, aut Peccatorum desiderat indulgentiam promereri, reddat decimam.

hath an whole Homily for the Right of Tithes, who calls upon those that have no Fruits of the Earth, to pay the Tenth of whatsoever they live by ; and saith, the Neglect of Payment of Tithes is the Cause of Sterility and Blasting ; and agrees with *Ambrose* in his Threats, that God would reduce them to a Tenth ; and tells them, “ that not
“ paying their Tithes, they shall be found guilty
“ at God’s Tribunal, of the Death of all the Poor
“ that perish through Want, in the Places where
“ they dwell ; and bids them that would either
“ get Reward, or desire the Pardon of their Sins,
“ to pay their Tithes.” These two great Bishops agree, and from the Law given to the *Israelites*, take their whole Doctrine, and impose their own Opinion with so heavy Penalties : But yet take Notice to what End they required them, That the *Poor* might not want, and say, that God hath reserved them for their Use.

LEO (called the great) who was *Pope* from 440, to 460, was likewise very earnest and large in stirring up every Man’s Devotion to offer to the Church part of his received Fruits, but speaks not a Word of any certain Quantity, as may appear by his Sermons *De jejuniis decimi mensis & Eleemosynis*.

SEVERIN also, about the Year 470, stirred up the Christians in *Pannonia*, who in Example of his Bounty, gave the Tenth of their Fruits to the *Poor*.

(o) GREGORY not only admonisheth the Payment of Tithes from *Moses’s* Law, but also the observing the Time of *Lent*, consisting of six Weeks, out of which take the *Sundays*, and there remain

(o) Hom. 16. in Evang. & dist. 5. de consecrat. c. 16. Ut in Legge jubemur Domino decimam rerum dare.

remain thirty six Days, the tenth Part of the Year, Fractions of Days omitted; this Tenth of Time he would have given to God, saying, *We are commanded in the Law to give the Tenth of all Things unto God.*

AND from the Opinions of these, and other ancient Fathers, who took their Ground from the Law, *Tithes, Easter, Pentecost,* and other Things, came to be introduced and brought into the Church.

(p) BUT notwithstanding the Doctrine, and hard Threats of some of the great Bishops of that Time, it was not a generally received Doctrine, that Tithes ought to be paid, nor till about the Year 300, was any Thing by the then Church determined or ordained, touching the Quantity that should be given, though (no doubt) in many Places, amongst the Offerings of the devouter Sort, Tenths, or greater Parts of their Annual Increase were given, according to the Doctrine of *Ambrose* and others.

(q) THE Offerings of the Church in those Ages, were received and disposed of in Maintenance of the *Priests*, and Relief of those that were distressed; neither had the *Priests* such a particular Interest in the Profits received, as of late Time they have usurped; all that was received, wheresoever in the Bishoprick, was a common Treasury, and was dispensed, one fourth Part to the *Priests*, out of which every one had his Portion; another fourth Part to the Relief of the *Poor, Sick, and Strangers*; a third to the building and repairing of Places for publick

(p) As is testified by *Agobard* Bishop of *Lyons*, an highly esteemed Man, in his Treatise *De dispensatione, &c. contra Sacrilegos*, page 276.

(q) Be not offended at the Word *Priest*, no other can be given to this Age; for the Title, as then 'twas given to them, so it was owned by them.

publick Meetings, called Churches ; and the fourth to the Bishop. And generally then, the Bishop lived in some Monastery, and his Clergy with him, from whence he sent them out to preach within the Countries in his Diocess, and there they received such Offerings as were made, and brought them to the Treasury.

AND though divers of the Fathers, Popes and Bishops, did declare that Tithes were due, and ought to be paid ; none of the first eight general Councils of the (r) Church, did ever so much as mention the Name of Tithes, or declare them a Duty. The ninth, held at *Lateran* under Pope *Calixtus* the second, about the Year 1119, mentions Tithes, but speaks only of those which had been given to the Church by special Consecration ; so doth also the Council held under P. *Alexander* the third, *Anno* 1180, but that only inhibits Appropriations to Religious Houses, without Assent of a Bishop ; for at that Time, People being led to believe, that their Tithes ought to be given for the Use of the *Poor*, did chiefly dispose them to the Heads and Governours of Religious Houses, who kept open Hospitality for the *Poor*, and Entertainment of *Strangers*, and were esteemed holy, as good Treasurers for the Needy, who took Care of Distribution of them, as is testified by *Cassian* the Hermit. But that Council seeing much given to the *Poor*, little to the *Priests*, made that Decree to restrain the People's Freedom ; and indeed, by this Time, much Wickedness was crept into these Houses, as Histories relate.

NOR was any Law, Canon, or Constitution of any general Council as yet found, that purposely commanded

(r) I call it Church, because it was then so esteemed ; I must use such Words as may give the Reader a Knowledge of what I say.

commanded the Payment of Tithes, nor any that expressly supposed them a Duty of common Right, before the Council of *Lateran*, held in the Year 1215, under Pope *Innocent* the third; about which Time, the Pope's Authority was grown powerful, and the Canons more received into practice, than before were little, especially herein, obeyed.

(s) ABOUT the Years 800, 900, 1000, and after, Tithes were called the *Lord's Goods*, the *Patrimony of the Poor*, &c. Whence also the Council at *Nants* (t) declared, the Clergy were not to use them as their own, but as commended to their Trust; and they were not then given for the Clergy, but to be disposed of for the Uses of the Poor.

AND at this Time, no Regard was had to the Nature of the Increase; but whatsoever did arise in Profit, whether by Trade, Merchandize, or Husbandry, the tenth was required to be paid for Tithes.

BUT still, the People had more Mind to give them for the Poor than the Priests, as may be understood by the Complaint of (u) Pope *Innocent* the third, who cried out against those that gave their Tithes and first Fruits to the Poor, and not to the Priests, as heinous Offenders; his own Words take in the Margin.

ALSO, in a General Council held at *Lyons*, under Pope *Gregory* the tenth, in the Year 1274, it
was

(s) *Resdominicæ, dominica substantia, Dei census, Patrimonia pauperum, tributa egentium animarum, stipendia pauperum hospitum Peregrinorum.*

(t) *Non quasi suis, sed quasi commendatis, non ab hominibus, sed ab ipso Deo sunt institutæ.*

(u) *He preaching on Zacheus's Charity, says, Dedit proprium, & reddidit alienum. Graviter ergo peccant qui decimas & primitias non reddunt Sacerdotibus, sed eas pro voluntate distribuunt indigentibus.*

was constituted, (x) that it should not thenceforth be lawful for Men to give their Tithes of their own Pleasure, where they would, as it had been before, but pay all their Tithes to the *Mother-Church*. By these it may be seen, that though the People, who then generally were *Papists*, did believe they ought to pay them, yet were they free to dispose them where they pleased, till these *Popish Councils* restrained their Liberty.

BUT the great Decree which speaks most plain, and till which, nothing was given forth which did directly constitute them, but rather still supposed them as due by some former Right, was made at the (y) *Council of Trent*, under Pope *Pius* the fourth, about the Year 1560. And yet that great Council followed the Doctrine of their Father, and said, they were due to God, and had no new Authority for their great Decree, which they command to be obeyed under the Penalty of Excommunication.

HAVING thus briefly run over the Ecclesiastical State abroad, from the Infant-purity of the Church, to the Height of the *Papal* Domination, and given a small Glimpse through every Age to the Point in Hand ;

(x) Ut nulli hominum deinceps liceat decimas suas ad libitum ut antea ubi vellet assignare, sed Matrī Ecclesiæ omnes decimas persolverent.

(y) Non sunt ferendi qui variis artibus decimas Ecclesiis obvenientes substrahere moliuntur, aut qui ab aliis solvendas temere occupant, & in rem suam vertunt, cum decimarum solutio debita sit Deo, & qui eas dare noluerint, aut dantes impediunt, res alienas invadunt: Præcipit igitur sancta Synodus, omnibus cujuscunque gradus & conditionis sint, ad quos decimarum solutio spectat, ut eas (ad quas de jure tenentur) in posterum Cathedrali aut quibuscunque aliis Ecclesiis vel personis, quibus legitime debentur, integrè persolvant: Qui vero eas aut substrahunt, aut impediunt, Excommunicentur: Nec ab hoc crimine, nisi plenā restitutione secutà absolvantur.

Hand; I shall now more particularly return to what may concern this Nation.

I shall not trouble the Reader with a Relation of *Joseph of Arimathea*, and his eleven Disciples coming into *Britain*, sent by *Philip the Apostle*, in the Reign of *Arviragus*, as Histories report; nor of the Conversion of King *Lucius* afterwards, who is said to give great Endowments to the Church, nor of the *British Christians*: Nothing at all appearing of the Payment of Tithes in their Days: But passing by them, and those many Years, wherein the barbarous *Saxons* over-ran this Nation, exercising most cruel Persecutions, till the very Name of *Christian* was blotted out, and those Heathens seated in the quiet Possession of a sevenfold Kingdom in this Land.

ABOUT the Year 600, or soon after, *Gregory* the first, then Pope of *Rome*, sent over *Augustin* the Monk into *England*, by whom *Ethelbert* King of *Kent* was converted; and by him and his Followers, in process of Time, other Parts of the Nation, and others of the Kings, were also brought to their Faith. This *Augustin* was a *Canon Regular*, and both he and his Clergy, for long Time after, followed the Example of former Ages, living in common upon the Offerings of their Converts; and those that received them were joined in Societies, in Imitation of the primitive Practice, having such Direction sent him by Pope *Gregory*, that in the Tenderness of the *Saxon-Church*, he and his Clergy should still imitate the Community of all Things used in the primitive Times under the Apostles, that they might not make their Religion burthensome.

BUT afterwards, having brought a great Part of the Nation to their Faith, they began to preach up the old *Roman Doctrine*, that Tithes ought to be paid; and having taught the People, that the

Pardon

Pardon of Sin might be merited by good Works; and the Torments of Hell be avoided by their charitable Deeds, it was no hard Matter, when that was believed, to perswade them not only to give their Tithes, but also their Lands; as the outward Riches of those called Religious Houses then, here and elsewhere, may testify; for in this Nation, they and the Clergy had almost gotten the third part of the whole Land; and so besotted were the poor ignorant People, that, had not a Law against *Mortmain* prevented it, a far greater Part of the Nation had been in their Hands.

As concerning Laws and Canons for Tithes among the *Saxons*, it is reported, that in the Year 786, two Legates were sent from Pope *Hadrian* the first, to *Offa* King of *Mercland*, and *Ælfwold* King of *Northumberland*, who made a Decree, that the People of those two Kingdoms should pay Tithes.

Also that *Æthelup* King of the *West-Saxons*, in the Year 855, made a Law, that the Tithe of all his own Lands, should be given to God and his Servants, and should be enjoyed free from all Taxes. Great Difference is among Historians about this Grant; few agreeing in the Words or Substance of it, as *Selden* shews, some restraining it to the Tithe of his own Demesne Lands; others to the Tenth Part of his Lands; others to the Tithe of the whole Nation. At that Time, the Nation being under great and heavy Pressures by *Danish* Irruptions, intestine Wars, great Spoils and Miseries, he called a Council, where were present *Bernredus* King of (2) *Mercia*, and *Edmond* King of *East-Angles*, and they, to remove the heavy

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Judgments

(2) Pro meæ remedio animæ & Regni & populi. For the Cure of my own Soul, and of my Kingdom and People.

Judgments then over them, grant the Tithe of all their Land to God and his Servants.

KING *Atbelstone*, about the Year 930, King *Edmond*, about the Year 940, King *Edgar*, about the Year 970, King *Ethelred*, about the Year 1010, King *Knute*, about the Year 1020, *Edward the Confessor*, and others of the *Saxon* Kings, made several Laws for Tithes as Histories report.

THE *Normans* afterwards entring this Kingdom, and subduing it to themselves, *William the Conqueror* confirmed the Liberties of the Church; so did *Hen. the first*, *Hen. 2. King Stephen*, and it may be, others of the succeeding Kings did the like.

SOME Episcopal Constitutions also have been made to the same Effect by *Robert Winchelsey* Arch-Bishop of *Canterbury*, and others.

THAT the Reader may understand the Principles upon which these Men acted, and the Doctrine then preached amongst them, and received and believed, I have inserted in the Margin the (a) Preamble of a Grant of King *Stephen*.

(a) Quoniam Divinà Misericordià providente cognovimus esse dispositum, & longè lateq; prædicante Ecclesià, sonat omnium auribus divulgatum: Quod, Eleemosynarum largitione possunt absolvi vincula peccatorum, & acquiri cœlestium præmia gaudiorum: Ego *Stephanus* Dei gratià *Anglorum* Rex, partem habere volens cum illis qui sælici commercio Cœlestia pro terrenis commutant, Dei amore compunctus, & pro salute animæ meæ & Patris mei Matrisq; meæ, & omnium Parentum meorum, & antecessorum, &c.

The Preamble of King *Stephen's* Grant.

Because through the Providence of divine Mercy, we know it to be so ordered, and by the Churches publishing it far and near, every Body has heard, that by the Distribution of Alms, Persons may be absolv'd from the Bonds of Sin, and acquire the Rewards of heavenly Joys. I *Stephen*, by the Grace of God, King of England, being willing to have a Part with them, who by an happy kind of Trading exchange heavenly Things for earthly; and smitten with the Love of God, and for the Salvation of my own Soul, and the Souls of my Father and Mother, and all my Forefathers and Ancestors, &c. And so he goes on and confirms divers Things that divers had granted to the Church, as Tithes and other Things.

BUT notwithstanding the many Laws, Canons and Decrees, of Kings, Popes, Councils and Bishops, that every Man ought to pay the Tenth Part of his Increase, yet was it left to the Owner, to confer it where he pleased, which made so many rich Abbeyes and Monasteries; and till the Year 1200 or thereabouts, every one gave their Tithes at their own Pleasure, which made Pope *Innocent* (b) the third, send his Decretal Epistle to the Bishop of *Canterbury*, commanding him to enjoyn every Man, to pay his temporal Goods to those that ministred spiritual Thingsto them, which was enforced

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by

(b) *Pervenit ad audientiam nostram, quod multi in Dioecesi tuâ, decimas suas integras vel duas partes ipsarum non illis Ecclesiis in quarum parochiis habitant, vel ubi prædia habent, & à quibus Ecclesiastica præcipiunt Sacramenta; persolvunt, sed eas aliis pro suâ distribuunt voluntate: Cum igitur inconvenientis esse videatur & à ratione dissimile, ut Ecclesiæ quæ spiritualia seminant, metere non debeant a suis parochianis temporalia & habere, fraternitati tuæ Autoritate præsentium indulgemus, ut liceat tibi super hoc, non obstante contradictione vel appellatione cujuslibet, seu consuetudine hætenus observatâ, quod Canonicum fuerit ordinare & facere, & quod Statueris per censuram Ecclesiasticam firmiter obligare. Nulli ergo, &c. Confirmationis, &c. Datum Lateran, 2æ Nonas Julii.*

[The Pope's Decretal Epistle to the Archbishop of *Canterbury*.

We having heard, that many in thy Diocess, pay the whole Tithes, or two Parts of them, not to the Churches in the Parishes they belong to, or where they have Farms, and from which they receive the Church Sacraments, but they distribute them to others according to their own Will. As therefore it seems inconvenient and contrary to Reason, that the Churches which sow spiritual Things, should not reap and receive temporal Things from their own Parishioners; We by the Authority of these presents, grant to thy Brotherhood, that it may be lawful for thee, upon this, notwithstanding any Opposition or Appeal whatever, or Custom hitherto observ'd, to ordain and do whatsoever is Canonical; and what thou shalt ordain, to bind by Ecclesiastical Censure. Let none therefore, &c. In Confirmation whereof, &c. Given at Lateran the 2d Day of July.

by Ecclesiastical Censures; and this was the first Beginning of general Parochial Payment of Tithes in *England*: I have inserted the Pope's own Words in the Margin, as they are recorded by *Cook*, in the second Part of his *Institutes*, who saith, That because the Pope's Decree seemed reasonable, it was admitted and enjoyned by the Law of the Nation, King and People being then *Papists*.

THIS Decree of the Pope, receiving all possible Assistance from the Bishops and the Priests, in whose Behalf it was made, did not only in a short Time take away the People's then claimed Right to give their *Tithes* to those that best deserved them, but did also so much corrupt the Clergy, that in the Time of *Richard* the second, *Wickcliffe*, our famous Reformer, did makè an heavy Complaint to the Parliament, which in his own Words I have inserted for the Reader's better Satisfaction. *Ab Lord God! where this be Reason to constrain the poor People to find a worldly Priest, sometimes unable both of Life and Cunning, in Pomp and Pride, covetise and envy, Gluttoness, Drunkenness, and Lechery, in simony and Heresie, with fat Horse and jolly, and gay Saddles and Bridles ringing by the Way, and himself in costly Clothes and pelure, and to suffer their Wives and Children, and their poor Neighbours perish for Hunger, Thirst and Cold, and other Mischiefs of the World: Ab Lord Jesu Christ, sith within few Years Men paid their Tithes and Offerings at their own Will, free to good Men, and able to great Worship of God, to profit and Fairness of holy Church fighting in Earth, why it were lawful and needful that a worldly Priest should destroy this holy and approved Custom, constraining Men to leave this Freedom, turning Tithes and Offerings unto wicked Uses.*

THAT the Meaning of these, and the Practice of this Nation in this Matter may the better be understood, it is needful to inform the Reader, that
when

when the Pope's Doctrine was receiv'd in a Nation, that Nation was divided into so many Bishopricks as were needful, and every Bishoprick into so many Parishes as were thought convenient, and Parishes are but of late Erection, and till then, most *Preachers* were sent out of the Monasteries, and religious (so called) Houses, and the People did at their own free Will give their Tithes and Offerings where they pleased, which Liberty they enjoyed till about the Year 1200. And tho' it was generally believed that Tithes ought to be paid, yet did no Man claim any Property therein, but every Owner of the nine Parts, was required to give the tenth Part to the Priest or Poor, as due unto God.

BUT now the Pope having set up Parishes, did enjoin, that a secular Priest canonically instituted, should attend the Service of each Parish; and that where Tithes were not already settled, they should be paid to the Parish Priest, notwithstanding any Custom to the contrary; the People then generally being *Papists*, did yield Obedience, as they durst not do otherwise; and it may easily be supposed, that having perswaded the People to pay Tithes, it was no hard Matter to appoint the Persons to whom they should be given.

PARISHES being set up, Priests appointed, and Tithes paid to them, after forty Years Possession, what before was owned as a Gift, was now claimed as a Debt; and Prescription was pleaded by the Priests as their just Title; the People then seeing themselves in a Snare, began to contend, but the imperious Pope (now in a great Height of Pride and Insolence, to uphold his Creature-Clergy) thundred out his Interdict against this Nation, excommunicated the King, frightened the Subjects with his Bulls stuf't with Commination, and that against the very Point of arbitrary Disposal of Tithes: And *Rome* now grown formidable, did

highly insult over Kings and Princes ; witness *Frederick, Barbarossa, Hen. the 6th*, and other Princes of the Empire ; and the Stories of our *Hen. 2.* and King *John*, are obvious : And our *Rich. the first* to gratifie the Clergy for their exceeding Liberality, in contributing to his Ransom from Captivity, with great Favour, gave them an indulgent Charter of their Liberties, and in this Advantage of Time, the Canon Laws gained such Force, that parochial Payments came generally to be settled.

YET notwithstanding, our *English Parliaments* not willing wholly to forget the Poor, for whose Sake Tithes were chiefly given, did make divers Laws, that a convenient Portion of the Tithes should be set apart for the Maintenance of the Poor of the Parish for ever, *R. 2. 15. 6. 4. Hen. 4.* as the Statutes at large do witness.

THE Pope having by these Means brought in Tithes, and made a pretended Title by Prescription, set up Courts to recover them, which were called Ecclesiastical Courts, where his own Creatures were Judges, and here the poor People might easily understand what they might expect from them ; yet he that did not pay, no great Punishment could they inflict on him, but Excommunication out of their Church.

THE Pope by all Means willing to favour his chiefest Props, notwithstanding his general Decree, could tell how to dispense with his own Lands at his Pleasure, and therefore frequently did grant Exemptions to divers Orders, to free them from Payment of Tithes ; witness the Hospitallers, Cistercians, Templers, and generally to all Lands held in the Occupation of the called religious Persons and Houses, which is the Ground of all those Men's Claims, who have bought the Lands of dissolved Monasteries, &c. and say they are Tithe-free.

WHEN

WHEN the Pope by colour of the *Jewish* Laws, (by which Tithes were given to the *Levitical Priesthood*) had gained an universal Payment of Tithes to all his Clergy, in farther Imitation of that Earthly Tabernacle, he sets up a new Building after the former Pattern, and therefore to himself he claims first-Fruits and Tenths, as a Successor of the Jewish High-Priest; Sins also he undertook to pardon; Cardinals also he appoints as Leaders of their Families; Miters they wear on their Heads, as *Aaron* did; Synagogues they build, with Singers, Porters, &c. and into the Form of the *Levitical Priesthood* they transform themselves, thereby wholly denying Christ Jesus, the End of Types and Figures, to be come in the Flesh.

AFTERWARDS, *Hen. 8.* King of *England*, being a Papist, and believing the Pope's Doctrine, as also did his Parliament, that Tithes were due to God and Holy Church; made a Law that every one should set out and pay his Tithes.

AND seeing this is the great Law, and the first of our Parliament Laws for Tithes, and that upon which the rest are grounded, I shall here insert the Preamble of it.

Forasmuch as divers Numbers of evil-disposed Persons, having no Respect to their Duties to Almighty God, but against Right and good Conscience, have attempted to substraet and with-hold in some Places the whole, and in some Places great Part of their Tithes and Oblations, as well personal as predial, due unto God and Holy Church, &c.

A SECOND Law in his Time was also made to the like Purpose, and in pursuance of the former; and great Reason he had, and Need there was for them; for having dissolved many Monasteries which had many Tithes and Rectories appropriated to them, and either had them in his own Hands,

or fold them to others, to be held as Lay-poffeffions, and they having no Law whereby to recover them, the Pope's Laws not reaching to Lay-perfons (fo called) he was neceffitated to make new Laws to enforce the Payment of them, which the better to colour over the Matter, he makes in general Terms, but ftill reftrains the Trial of Tithes to the Ecclefiaftical Courts.

AFTER him, *Edw.* the 6th, in purfuanee of his Father's Laws, and upon the fame Ground, makes another Law for the Payment of (c) predial and perfonal Tithes, under Penalty of treble Damages, who alfo reftrains the Trial to the Ecclefiaftical Courts. Thefe Laws fuppofe that Tithes were due to God and Holy Church, and therefore they require, that every Man do yield and fet out his Tithes as had been accuftomed.

IN purfuanee of thefe Laws, fome Ordinances were made in the Time of the long Parliament, in the Exigences of the War, becaufe the Courts of Juftice were obftructed.

And thefe are the Subftance of all our Englifh-Laws concerning T I T H E S.

HAVING thus generally and briefly run over the Laws and Practices of Tithing, both abroad and in this Nation, I fhall give fome Hints of the Opinions of former Times concerning Tithes. About the Year 1000 and 1200 after Chrift, when Tithes were generally preached up and claimed, great Controverfie did arife between the Canonifts and the Clergy, by what immediate Law Tithes were payable.

THE

(c) Predial Tithes are thofe which are paid of Things arifing and growing from the Ground only.

THE Canonists generally ground themselves upon the Decrees and Canons of the Church (so called) and on the Writings of *Augustin*, *Ambrose*, and the rest of the ancient Fathers, who say they are due by Divine Right.

THE Clergy of those Times were at a Difference among themselves, some of them saying, that Tithes, *quoad quotam partem*, or as a determined Part, are due only by positive and Ecclesiastick Law; but *quoad substantiam suam*, or as a competent Part to be allowed for the Maintenance of the Ministry, are due by Divine Law; and that the tenth Part was decreed by the Church, *per vim ejus exemplarem*, or by Imitation of the Jewish State, and not *per vim obligativam*, or any continuing Force of it under the Gospel; and that the Church was not bound to this Part, but freely might as well have ordained the Payment of a ninth or eighth, according to the various Opportunity. This was taught by *Hales*, *Aquinas*, *Henricus de Grandavo*, *R. de Midiâ villâ*, *Cardinal Cajetan*, *Io. Mayer*, *Suarez*, *Malder*, and others, who say it is the common Opinion of the greatest Part of the Clergy of that Time, and that the tenth Part was rather ceremonial than moral.

HERE also was made a Distinction, and many said, that predial and mixt Tithes were due by the Divine Ecclesiastick Law; but personal Tithes only by the Decrees of the Church; but *Hales* said, that Tithes, as well personal as predial, are in the Precept *Quoad Substantiam*, but neither *Quoad quotam*; and therefore in *Venice* and other Cities, where no predial Tithes are, a personal Tithe is required by the positive Law of the Church, by Virtue of the Substance (not Ceremony) of the Command.

ANOTHER Opinion (and that owned by many) was drawn from the former Doctrine, which concluded,

cluded, that seeing Tithes, as the *quota pars*, were not enjoined by the Command of God, therefore they were meer Alms, or as what, *debito Charitatis*, not *debito justitiæ*, was to be dispensed. Of this Opinion were the *Dominicans* and *Franciscans*, who both began about the Year 1210, and by their Doctrine got many Tithes to be given to their Monasteries, and that whatsoever was given to the four Orders of *Mendicant Fryars*, was a sufficient Discharge from the Priests.

AND our famous Reformers, *John Wickliffe*, *Walter Brute*, *William Thorpe*, and others, whose Arguments are at large in *Fox* his *Acts and Monuments*, did in their Days bear their Testimony against Tithes, for which some of them suffered in the Flames.

AGREEING herewith are the Articles of the *Bohemians*, published near three hundred Years since, wherein a Divine Right to Tithes since the Gospel is denied; whereupon also long since they took all their Temporalities from their Ministers; and before *Wickliff's* Time, *Gerardus Sagarellus* was of the same Mind. And the great *Erasmus* also said, that the common exacting of Tithes by the Clergy of his Time, was no better than Tyranny.

HAVING thus briefly run over the Doctrines, Decrees, Practices and Opinions concerning Tithes; I shall make some short Observations thereupon, that the Reader may understand whereunto they tend, and then proceed to the Matter as it concerns us at this Day, wherein he will find the Knowledge of these Things will be useful.

First, THAT amongst the *Jews*, Tithes were paid to the *Levites* that did the common Services of the Tabernacle and Temple, and not to the Sons of *Aaron*, the Priests; for they had only a tenth Part out of the Tithes; and therefore he that pleads for Tithes from the *Mosaical* Laws for

for Tithing, had need consider how the Payment of Tithes to Ministers succeeds to the Payment of Tithes to the *Levites*, who were not Priests, nor were to touch or meddle with that holy Office, least they died.

2. THAT among the *Jews*, no outward Law was appointed for the Recovery of Tithes, but he that did not pay them robbed God, and by him only was punished.

3. THAT the Tithes were not for the *Levites* only, but for the Stranger, the Fatherless, and the Widow, who were to eat thereof, and be satisfied.

4. THAT when the Levitical Priesthood was changed by the Coming of Christ Jesus, the Law for Tithing was also changed, as *Paul* writ to the *Hebrews*; for it is evident, that in the Beginning of the Church, for the first three Hundred Years, while the Purity and Simplicity of the Gospel was retained, no Tithes were paid among Christians.

5. THAT as the Mystery of Iniquity began to work, and Men's Imaginations were taught instead of the Doctrine of Christ, divers Men fetching their Ground from *Moses's* Writings, began to preach that Tithes again ought to be paid.

6. THAT those that first preached up Tithes, pressed the Payment of them, not for the Maintenance of a Ministry only, but chiefly for Provision for the Poor and Needy.

7. THAT in the first Practice of the Payment of Tithes, they were not paid as Tithes, but as Free-Offerings, at the Bounty of the Giver, and not as answering any Law that required the tenth Part, and so more properly were called Offerings than Tithes.

8. THAT notwithstanding any Doctrines preached, it was not a received Doctrine, that Tithes ought to be paid, till about the Year 1000, that the

the Pope had set up his Authority, and usurped Dominion over the greatest Part of *Europe*, and almost all Emperors, Kings and Princes brought in Subjection to him, and his innovated Superstitions.

9. THAT notwithstanding the strict Commands of the Pope, no outward compulsory Law was made by the Pope or his Councils, to enforce any to pay Tithes, but only their Excommunication.

10. THAT Tithes were always accounted an Ecclesiastical Duty, and therefore by Ecclesiastical Courts were tried and judged; and till the Dissolution of Abbeyes, &c. were never called a *Civil Right*.

11. THAT Tithes were brought in as a Duty owing unto God, and were so required and enforced, and therefore all Laws made for the Payment of Tithes, take that for their Ground, and not any civil Property or Right in him that claims them.

12. THAT till the Year 1200 or thereabouts, it was the common Practice for every one to bestow his Tithes where he pleased.

13. THAT from such arbitrary Dispositions, Abbeyes and Monasteries came to be so richly endowed with Tithes and Rectories.

14. THAT all Exemptions from Payment of Tithes, came from the Pope.

15. THAT first Fruits and Tenths are but a late Innovation, and claimed by the Pope as Successor to the *Jewish-High-Priest*, as *Cook* in the third Part of his *Institutes* also testifies.

16. THAT Tithes are the same Thing, whether claimed by an Abbey, or Impropiator, or a Priest, and stand upon the same Ground and Foundation, and differ nothing but in the Person that possesseth them.

17. HERE also the declining State of the Church to Corruption and Error may be clearly discerned and traced ; for as the Power of Truth was lost, so was the Fruit thereof, which caused such earnest pressing to needful Contributions, and when that would not serve, Laws and Decrees were made to force them : But in the Beginning it was not so ; for while the Purity and Simplicity of the Gospel was retained, there needed no pressing, for their Charity then abounded not only to the tenth Part, but far greater Parts, as the Needs of the Church required.

18. THAT the Right of Tithes was never cleared, but remained in Controversie, even among the greatest Papists, and in all Ages there were those that withstood the Payment of them : And many of the Martyrs for that, among other Things, suffered in Flames.

THESE Things thus premised, I shall briefly state the great Case and Question, at this Day chiefly controverted concerning Tithes, as claimed and paid in *England*.

Whether any Person have a true and legal Property in the tenth Part of another Man's Increase, now commonly called Tithes. The CASE

THE Terms are plain, and need no Opening ; yet it is needful to declare why the Case is thus stated ; for the great Question rather seems to be *Whether Tithes be not due at this Day ?*

THAT may be due to another, wherein yet he may have no legal Property, as Custom, Tribute, Taxes, which are to be paid because commanded by the State ; and though Law and Equity obliges the Payment, yet is no distinct Property in him that commands ; and so Tithes may be supposed to be due, because so many Laws have been made for

for Payment of them, though the Person that claims them may have no particular Interest or Property therein, other than is derived from the Command.

BUT now in *England*, Tithes are not only claimed by Virtue of divers Laws, but also as being a distinct Property, severed from the Property of the nine Parts.

AND if this could clearly be evinced, all Scruples of Conscience were answered ; for if a true and legal Property be in another Person to the tenth Part of my Increase, I ought in Conscience to yield and set it forth, because it is not mine ; and then the Name of Tithe, as having in any Measure Relation to the *Jewish* Priesthood, or *Popish Clergy*, were at an End, but as a Debt it ought to be truly paid to the Propriator.

MANY Things have been said, and much written to prove such a Property, the Substance whereof, as far as hath come to my Knowledge, I shall briefly sum up under these general Heads ; as also the Grounds of those who claim them to be due, and yet plead no Property, which being the lesser, may be fully included and answered in the other.

Several

Several Claims made for TITHES, and a legal Property therein, set down and answered.

1. **T**HE first claim Tithes to be due *jure divino*, and produce the Law of *Moses* for it.

2. **OTHERS** say, that as to the *quota pars* (*viz.* the tenth Part) Tithes are not now due by the Law of God; only the Equity of the Law is still of Force, which obligeth to afford a competent Maintenance for the Ministry, but doth not bind to the certain Quantity.

3. **OTHERS** there are, who plead the Decrees, Canons and Constitutions of General Councils, Popes, Bishops, Convocations, and these say, that Tithes are due *jure Ecclesiastico*.

UNDER these several Claims, or some of them, have Tithes been demanded and paid, since the dark Night of Apostacy overspread the Earth under the Papal Power, till the Pope's Supremacy and Religion was cast off in *England*; and where the Popish Religion is professed, they are now by the same demanded and paid.

BUT now of late in *England*, new Claims are made, and the old Pretences seem too much to favour of the popish Leaven, and therefore an human Right is pleaded, which I shall briefly bring under these few Heads.

1. **SOME** plead the Gifts of Kings and Princes, who were Rulers of the People, as *Ethelwolp*, &c.

2. **OTHERS** plead the temporal Laws of Kings, Parliaments, &c.

3. **O**,

3. OTHERS plead the particular Gifts, Appropriation, Consecration or Donation, of those who were former Owners of the Land.

4. OTHERS plead Prescription, and a legal Right by their Possession.

5. OTHERS plead a legal Right by Purchase.

AND besides these, I never heard or read of any other Pretence for Tithes, tho' I have diligently for two Years and more, laboured to inform myself fully what could be alledged for them.

To begin with the first, those that say Tithes are due by Divine Right.

SOME of them say, *that the Law given to Israel for Payment of Tenths to the Tribe of Levi, doth also oblige Christians to pay Tenths to their Ministers, as succeeding in the Priests Office.*

Ans. To such it is clearly answered, that the Priesthood which had a Commandment to take Tithes, being changed by Christ Jesus, there is made of Necessity also a Change of the Law; and now the Priesthood is no more committed to the natural Off-spring of *Levi*, or any other Tribe, but to Christ Jesus the unchangeable Priesthood, whose Kingdom stands not in Figures and carnal Ordinances, but is the Substance of what that was but a Figure: And it is clear, the primitive Church were assur'd of it, who for some Hundreds of Years, and till the Mystery of Iniquity began to work, never called for the Payment of Tithes, as is before plainly proved.

AND how doth a Gospel Ministry succeed to the *Levites*, who received Tithes, but were not Priests? much more Colour had the Quiristers, Singing-men, and the rest of the Rabble brought into the late Cathedrals, to claim them, and only

to pay out a tenth Part to the Priests, as the *Levites* did.

OTHERS say, that *Abraham* paid Tithes to *Melchisedec*, which was before the *Levitical* Priesthood; and *Christ Jesus* is made a Priest after the Order of *Melchisedec*.

ABRAHAM, returning from the Slaughter of the Kings, was met by *Melchisedec*, who brought him Bread and Wine, and *Abraham* gave him the Tenth of the Spoil: But what is this to the Payment of Tithes, unless it oblige the Soldiers? For it doth not appear that *Abraham* paid the Tenth Part of his own Increase; nor doth it appear, that *Abraham* gave the tenth Part at any other Time: and how will this prove a yearly Payment of Tithes to Ministers.

AND what if *Jacob* gave Tithes? How are either of these Examples more binding than any other of the good Acts that either of these holy Men did?

Object. If it be said, that *Jesus Christ* said, ye tithe mint, &c. these Things ye ought not to leave undone.

It's answered, that *Jesus Christ* then spoke to the *Jews*, in the Time when the *Levitical* Priesthood was not ended, who were bound by the Law, so long as it was of Force, till he was offered up, and said, *It is finished*.

BUT though Divine Right hath been long pretended, few are now left who will only stand to it, and the generality, both of *Lawyers*, *Priests* and *People*, are of a contrary Mind.

FOR if Tithes be absolutely due by the Law of God, no Custom, Usage, Prescription, Privilege,

or popish Dispensation, can acquit from Payment of the utmost Penny of the tenth Part ; but scarce the tenth Person in *England* payeth Tithe in kind, and many plead they are Tithe-free, and pay none at all, and others very small Matters ; and so the greatest Part of the People of *England* deny Tithes to be due by God's Law.

AGAIN, if Tithes be due by the Law of God, then it is to the End for which they were commanded, for the *Levites*, the Strangers, the Fatherless, and the Widows ; all therefore who plead for Tithes by Divine Right, must not pay them to an *Impropriator* ; for by God's Law he cannot claim, neither ought any *Impropriator* of that Mind to receive them.

AND of late Years, it was by *Rolls*, Chief Justice, adjudged in the Upper Bench, *that Tithes are not now due by the Law of God.*

2. *To the next, those that plead the Equity of the Law is still of Force.*

THESE plead not for Tithes properly, but for a comfortable Maintenance, and by Way of *Tithes*, as they suppose most convenient, &c. And these bring many Scriptures in the New Testament, *That he that labours is worthy of his Hire ; he that preacheth the Gospel, ought to live of the Gospel ; let him that is taught, communicate to him that teacheth ;* and the like.

AND to such I say, that not only the Equity of the *Levitical* Law for Tithing, the Doctrine of Christ Jesus and his Apostles do bind, but even from natural Things we are largely taught our Duty therein ; *No Man muzzleth the Mouth of the Ox ; and no Man goeth a Warfare at his own Charge ; and he that plants a Vineyard, eats the Fruit thereof :* And herein it is agreed, that the Ministers of Christ

Christ Jesus, who are called to his Service, and labour in the Word, ought to be comfortably provided for, that they go not a Warfare at their own Charge.

BUT this doth not require, that the World, (which lies waste as a Wilderness, and is not of the Vineyard) should contribute, much less be compelled, to give a certain Portion of the Fruits of their Labours towards the Maintenance of Christ's Ministers.

AND these grant, that every Man is the sole Owner of his own Labour and Possession; and though by another he may not be compelled, for such Sacrifice God abhors, yet ought every one freely to glorifie God with his Substance, to strengthen the weak Hands and feeble Knees, and to give to him that teacheth those Things that are heedful, and such cheerful Givers God accepts.

AND this leaves every one free to give to him that teacheth, not binding to the Maintenance of those who have less Need than the Giver, or of those who are transformed as Apostles and Ministers of Christ, who have the Form, but want the Power, who teach for filthy Lucre, keeping ever learning, but cannot bring to the Knowledge of the Truth.

AND of such as Christ Jesus sent forth, he always took care, and they never wanted, but they reaped the Fruits of their Labour, and eat the Fruits of their own Vineyards which they had planted, and by the Churches who were gathered out of the World, were they maintained to preach the Gospel to the World, unto whom they would not make the Gospel chargeable or burthensome, which was their Glory and their Crown.

AND herewith let all our now called Churches be proved and tried, who separate from the World, and yet many of them receive Pay and Wages for

their Teachers from the World, who send none at their own Cost to preach to the World.

AND here our Rulers should learn Wisdom, to with-hold their Hands from upholding any with their Worldly Sword, and compelling others to maintain them ; and to leave Christ's Kingdom to his own Rule, who is Lord of the Harvest, and sends forth Labourers, and hath Spirit to put upon them ; who sends forth the Fishermen, the Shepherds, the Herdsmen, the Tillers of the Ground, and the Keepers of Flocks, who speak plain Words that wise Men cannot understand, who are wise in the World's Wisdom, gathered in Schools, whither they are sent to learn a Trade, thereby to get their Livings ; and in the Time of Popery, they studied the popish Doctrines, and then preached them to others ; and in the Time of Prelacy, they changed to a new Form : And when that was laid aside, *Presbytery* was set up, and then such the Universities sent forth ; and since *Independency* was preferred, great Store of them are spread abroad ; and look what pleaseth them best that have the greatest Livings in Dispose, that is the most cried up, and most studied and preached ; and here is the Spring of our Teachers, the Universities ; and these say, that *Greek* and *Hebrew* are the Original, which they go thither to learn, that they may understand what Christ spoke, and the Apostles preached : But the *Hebrews* and *Greeks* who heard them speak in their own Language, could not understand their Doctrine, for it seemed Foolishness to them ; and these by their Original are in no better State, nor nearer to the Knowledge of the Gospel : And let our Rulers consider, that Christ's Love to the World, for whom he died, is not abated ; neither is his Spirit diminished, nor his Power shortned, that he will not, or cannot, send forth, and fit Ministers for his

his Service ; or that he needs Universities to instruct, or Magistrates to provide Maintenance for those he sends forth. And let them look to their own Kingdom, the World, therein to punish and restrain the Evil, and to encourage and protect the Good ; and then all would be agreed, and the Nation kept in Peace, every one enjoying his true Liberty and Freedom : For in this it is assented, that the Ministers of Christ Jesus, who sow unto us Spiritual Things, should reap of our Temporals : But here is the Difference, first, That our Consciences must be our Judge who those Ministers are, and no other Man's Direction ; for to the Conscience were Christ's Ministers always made manifest, and not approved with the Reason and Wisdom of Man. Secondly, That our Gift must be free, and by no Man's Compulsion.

WOULD not this ease the Magistrate of much Trouble that he makes to himself, and be more acceptable to God and Man ? For who hath made him a Judge in these Things ?

A third Sort plead the Decrees, Canons, Constitutions of General Councils, Popes, Bishops, Convocations.

To such I shall only say, that for the first Eight Hundred Years after Christ, no Canon or Decree was made by *General Council*, nor was it then determined by the Church (as 'twas called) what Part every Man should pay. And the first Eight *General Councils* do not so much as speak of the Name of Tithes, and that was till about a thousand Years ; and then about that Time, it came to be received and believed, that Tithes ought to be paid ; yet in *England*, as well as other Nations, every Man might have given his Tithe where he pleased, till about the Year 1200, as is already

proved. But I need not say much to these, few being of this Mind, but those that own the Pope for their Head, we having in *England* denied and cast off his Supremacy, though in this Matter of Tithes, and many other Things, we still feel his Power among us.

AND now having briefly gone over the Substance of what is pleaded for a Divine or Ecclesiastick Right, I come next to what is pretended for an Humane Right.

AND the first Sort *pleads the Gifts of Kings, as Ethelwolp, &c.*

To these I answer, if they could prove the whole Land had been the particular Possession of any such King, they said something; though that would not justify the taking Tithes from all the People, as shall be more fully proved hereafter. But by what Right could he give the tenth Part of the Increase and Fruits of the Labours of all the People of his Dominions, who had no legal Property therein? It was an easie Matter, when the Pope's Emissaries had taught the People, that Tithes were due to God and them; and had persuaded Kings and Nobles, that Heaven might be purchased by their Works, to procure from them the Gift of that which was not theirs, the poor People's Tithes; especially considering the People were of the same Mind, and as zealous of all the *Popish Superstitions* as themselves, and every one striving who should therein most excell; witness those many rich Abbeys and Monasteries, lately in this Land. But if that King *Ethelwolp's* Grant be the Foundation of Tithes, then how many succeeding Kings and Bishops, and others, have violated his Deed, by appropriating them to Abbeys, Monasteries, and such like Houses? And how
have

have all Ages since *Ethelwolph's*, taken upon themselves the Disposition of Tithes, without any Relation to what he did? Which shews clearly, that neither *Kings, Parliaments*, nor *People*, did ever take themselves bound by his Grant: But the Folly and Vanity of this Argument will more plainly appear hereafter.

THE next, and those which seem to have the strongest Plea, do urge, *The Temporal Laws of Kings and Parliaments*, and say, *by the Law they have as good Property in Tithes, as any Man hath in his Lands.*

Ans. To such I say, the Law doth not give any Man a Property, either in Land or Tithes, or any other Thing, but only doth conserve to every Man his Property, which he hath in his Land and Possessions, either by Gift, Purchase or Descent, and secure him from the Injury or Violence of another.

BUT let us not be deceived with a new Pretence, lately taken up to delude simple Minds, of a legal Property, and a civil Right; for that is but a Shift, and it matters not what any say, or now pretend, concerning the Right of Tithes, when they see their other Claims will not serve the Turn; but let us hear what the *Makers* of the *Laws* say of them, those from whom they claim; and passing by the *Saxon's* Times, and King *Stephen*, and the rest of those who were in the Mid-night of *Popery*, let us come to *Henry* the 8th, who cast off the *Pope*, and upon whose Law, all others that were since made are builded, and in the Preamble of the Act, it is declared, *That Tithes are due to God and Holy Church*, and they blame Men for being so wicked as not to pay them, and therefore that Law is made, and here is the Ground of the Law, not any Property,

perty or civil Right in Priests or others, and therefore, if the Law require them as due by Divine Right, he that saith they are only due by humane Right, cannot claim them, nor ought to recover them by that Law, for he claims them by another Right; and for any Man to claim that by humane Right, from humane Law, which commands them as due by Divine Right, is but a meer Deceit. And that Law of *Hen.* the 8th, and the rest, did not upon any civil Ground set up, or constitute the Payment of Tithes, but takes it for granted, *that Tithes are due to God and Holy Church*; and therefore the Foundation of the Law being taken away, *that they are not due to God and Holy Church*, the Law falls to the Ground; for the Law not making them due, but supposing them due by a former Right, if they were not so due, the Law cannot be binding.

THAT Tithes were never, till now of late, pretended a civil Right, is plain; for as they were imposed by the Pope, so were they triable in his Courts; and those very Laws made by late Parliaments, did appoint them to be tried in the Ecclesiastical Courts, and restrained the temporal Jurisdiction, as the Acts themselves testifie.

BUT what is the Property that is now claimed? Is it in a Person? That cannot be, for the Priest hath them not till he enters his Office, and when he parts with that, he loseth his Tithes: So the Priest hath no Property, but his Office; and what is that? It was a Popish Office when Tithes were first paid to it; and how comes the Property to continue now the Office is laid aside, and the Pope that set them up? But how can a civil Right or Property be pretended, when the Author was the Pope? The End for a called Spiritual Office, and recovered in an Ecclesiastical called Court, are not these Covers grown too short.

AND

AND in the Act of 32. Hen. 8th, Tithes are called *Spiritual Gifts*: And there, of impropriate Tithes sold after the Dissolution, it's said, they are now made temporal: And before that Time, it was never heard that Tithes were called a Temporal Right.

BUT it's farther said, *These Laws were made by Parliaments, the Representatives of the People: And though Tithes were not due before, yet they might give Tithes, because their own, they being the Body of the People.*

THIS would suppose a particular Consecration, or Donation of the People, not only as in their *Legislative Capacity* to bind themselves by a Law, but by a particular Act of Free-Gift: But it's plain, the Act never intended any such Thing, for it gives nothing, but commands what was before.

AND as to the Law it self, and all other Laws of Kings, Parliaments, Popes, Councils, Bishops, and whatever else was by any Man made for the Payment of Tithes since Christ Jesus came in the Flesh, joined altogether, how do they all, or any of them, bind the Conscience? For if Tithes be not due by the Law of God, as is herein proved, and almost generally granted: Who hath set them up? The Law of Man at best: And who is Man, that makes a Law in the Place where God disannulled his own Command? Is it better to obey Man than God? Or is Man grown wiser than his Maker? Who put this Power into the Hand of Man, to raise a compulsory Maintenance for Ministers? That any Parliament have Power, to make any binding Law for the Maintenance of those they call Ministers, for doing a Work which they call Worship of God, and force the People to submit to it, the clear Light of this Age doth generally

generally condemn ; for they are much more like to set up and maintain those who are contrary to Christ, than Christ's Ministers, who never looked for, nor durst own such a Way of Provision. Will any say they have Power ? From whom had they it ? Is it derived from the People ? That cannot be. Have they any other Power committed to them ? How is it ? As they are Magistrates ; if so, the *Turk*, and all Infidel Magistrates have the like ? Or is it as they are Christian Magistrates ? Then may not *France*, *Spain*, &c. claim the same ? For what Nation in *Europe* will not say they have a Christian Magistracy, though far the greater Part of them be *Papists* ? And may not a *Papist* by as good Right require and compel Maintenance for his Ministers, as *Henry* the 8th, or any other could, or can do ? But that I may not be mistaken, as if I went about to take away the Magistrate's Power to raise Taxes, Assessments, or other Charges, for the Service and Defence of the Nation, it is needful to distinguish between those Things that are called Civil, and such as are called Spiritual : For civil Ends and Uses, the People may give Power to their Representatives to raise Moneys, or any other civil Thing, because in such Things they are their own Masters : But in matters of Religion and spiritual Things, no Man can give Power unto another, to impose any Thing upon himself, or his Neighbour ; for in those Things every one is to be accountable unto God, and to stand and fall to his own Master. And thus we give unto God the Things that are God's ; and unto *Cæsar*, the Things that are his ; paying Tribute to whom Tribute is due. But as for all Laws made in the Will of Man, in the Things of God, and their heavy Punishments inflicted upon such as cannot for Conscience Sake conform unto them,

them, they reach not the Conscience, and therefore make no Sin against God.

AND as concerning the Laws of King *Henry* the 8th, and *Edward* the 6th, it may be considered, some of them were made by a Popish King and Parliament, and the rest, in the Glimmerings of Light, when Men were but seen as Trees; and therefore, to make their Laws a Rule for this Day of clear and Sun-shine Light, favours too much of the old Popish Spirit, and is a Shame to our Reformation: And if it be said, *Papists* might, and did make good Laws; it's true, in temporal Things they did, but not in Things of Religion, wherein they are differenced from us, because *Papists*.

BUT were the Law just in commanding Tithes, can it be equal to give double or treble Damage, where they are not paid? If any Man owe a just and due Debt, no more by Law can be recovered, but what the Debt is, besides the Charges of the Law: How cruel therefore are these Laws and Ordinances, which in a Matter of so much just Scruple, require and impose the double or treble Value? And how unrighteous are all such Persons, as by Force of such Laws receive them? For if Tithes were due, is therefore the treble Value due, because the Law hath made that Penalty? Where is Equity or Justice in either? The Pope and his Adherents did only excommunicate the Refuser till he conformed; and till these late Laws, such Penalties as Imprisonment and treble Damage were never known. And here what was by our Forefathers Superstition (whom we look back at as afar off, and pity) begun in Ignorance, we build up, and confirm with Tyranny, and instead of their Rods, make to ourselves Scorpions.

BUT herein is not all, but the Law requires every Man to set out the Tenth, and so makes
him.

him a voluntary Agent, in that, against which his Conscience testifies, which is most cruel and unrighteous; and him that cannot do so, they sue and hale before Courts and Magistrates, and there they get Judgment of treble Damage, and by that Judgment, frequently take Five-fold, yea sometimes Ten-fold the Value: Shall not these Things render this Age, which so much pretends to Reformation, contemptible to future Generations? And for these Things, shall not even Papists rise up in Judgment against us, and condemn us?

BUT how is it that any Law for Tithes is now executed? Do not all *Laws* and *Statutes* for Tithes restrain the Trial of them to the Ecclesiastical Courts, and prohibit the temporal Courts from meddling with them? And since the Ecclesiastical Courts are destroyed, who have Power to give Judgment for Tithes? No temporal Judge proceeding according to the Laws for Tithing. How is it then, that so many Persons are sued, prosecuted, and unjustly vexed for Tithes in all the Courts at *Westminster*; and not only so, but in the Sheriff's Court, and other petty Courts in the Country.

N. B. this
was in the
time of the
Common
Wealth.

Object. If it be said, *The Statute gives double Damages and Costs, and no Court being appointed where that shall be recovered, it must be supposed to be the Common-Law Courts.*

I ANSWER, by asking of what must they give the double or treble Damage, seeing they are restrained from trying for the single Value? If they cannot judge the one, how can they award the other? Will they condemn an Accessary before they try the Principal? What is this but to make the Law a Nose of Wax, or any Thing, to uphold another unrighteous Kingdom.

Object. It will be said, *Justices of Peace have Power.* It may be so by an Ordinance, but no
Act

Act of Parliament, which is the Law of *England*; and that they do it, many poor People feel; for generally they give treble Damages for all Manner of Tithes, when as the *Statute* gave but double, and Costs, and that only for predial Tithes: And they usually execute their Precepts by such Persons as will do it effectually, who take generally five Times more than the Value, which they appraise and sell far under the Worth; and he that cannot comply with their Cruelty, and confess their Judgment just, by accepting back what they will return, doth frequently suffer five or six-fold, yea often ten-fold Damage. And here the Fingers of the Justices are too often found, by conscientious Men, far more heavy than the Loins of the Law, nay more than of the old Ecclesiastical Courts, or the Pope himself, who hath no such Penalties. I write what I can prove by manifold Instances.

THOUGH these Oppressions be many and great, yet are they not all that this Age exercises; for by a new Device, under Pretence that Priests are not able to pay Tenths to the *Protector*, unless every Man pay them their Tithes, they sue Men for all Manner of Tithes by *English Bill* in the *Exchequer*, and there would force them upon their Oaths, to declare what Tithes they have; when as in the Ecclesiastical Courts, the Ordinary might not examine a Man upon his own Oath, concerning his own Tithe: And here such as either make Conscience of Swearing, which Christ forbids, or cannot themselves tell what Tithe they had, are cast into Prison for Contempt, where they may lie as long as they live, no Law in the Nation reaching them any Relief: And divers upon this Account have long lain in the *Fleet*, and yet are there; and I belive above an hundred Suits are in the *Exchequer* depending, and Proceedings stopt at this Point; the Hearts of the

This was
in the Year
1655, or
thereabouts
very,

very Officers of the Court relenting with Pity, towards such Numbers of poor Men brought thither every Term, from the most remote Parts of the Nation, and some of them not for above twelve Pence ; such merciless Cruelty lodges in the Hearts of many, if not the most of our pretended Gospel Ministers.

O shameful Reformation ! What ! compel a Man himself to set out the Tithe of his own Goods to maintain an Hireling-Priest, it may be one openly prophane, and so make him sin against his own Conscience, or take from him thrice, or rather five Times as much ! And not only so, but to force him to swear what Tithes he had, or commit him to Prison, there to lie without Hope of Relief ; doth not the Cry of these Abominations reach through Palace-Walls, and enter Parliament Doors ? Surely they reach the Gates of Heaven. And though Man have forgotten his fair Promises, God will in due Time break these Bands, and send Relief another Way. O cursed first Fruits and Tenths, the Superstitious Relique of Popery, and Wages of Unrighteousness, the Cause and Cover of all these *Exchequer Suits*, and of most of these Mischiefs ! Must we still have Priests and Tithes ? Then may we not wish for old Priests, and old Ecclesiastical Courts ? For much more Moderation was in them, and even *Papists* would blush at our Cruelties. Did but the Magistrate see what Havock is made in the North, what driving of Goods, the Oxen out of the Plow, the Cows from poor and indigent Children, what carrying of *Pots, Pans* and *Kettles*, yea and fetching the very Cloaths off poor People's Beds, he would either be ashamed of such Justices, or such Priests or Tithes, or of them all. Such Instances I could give, as would make the Reader's Ears to tingle ; and he that cannot believe me, let him send
into

into *Cumberland*, and he shall meet with few that cannot inform him of it; or do but let him go a little after Harvest, and he may find the Justices so busy, as if they had little other Work to be doing. But whither have I digressed? Let me return to hear what the next can say.

3. AND these plead the Gift of those that were formerly Possessors of the Land, and say, *Those that pay Tithes, do but that which their Ancestors justly charged upon them.*

To such I answer, that it's true, many Ancestors gave Tithes which of them were required, as before hath been declared; but what is that to us? Or how are we thereby bound? Did ever any Man, in any Deed or Conveyance of his Land, express any such Gift, or make any Exception of Tithes? I never saw or heard of such a Thing; and let those who can find such Reservations, make their Claim; but I believe it will not be in *England*. That which this Sort pleads, seems to make a Ground for a distinct Property; for if there be a Property, it must of Necessity arise from him that was the true Owner, and had Power to charge himself and his Posterity; and these say, *They have as good Right to the tenth Part, as the Owner hath to the nine, and that he never purchased it*, and the like. Unto all which I answer, that though it were true, and could be proved, That mine Ancestors gave Tithes, and that for ever, yet am I not thereby bound to pay them, or stand any way chargeable with them. It's true, when they were Owners of Land, they might themselves yield and set forth what Part of their Increase they pleased, or might have given the tenth, or any other Part of their Land, as they would, or they might have charged upon the Land, what Rent they liked;
but

but they could not charge their Posterity, with that which was no Way theirs, nor which in any true Sense, Construction or Understanding, they could be said to have any Property in, and which is not paid, by Reason of that which is derived from them; for Tithe is neither paid of Land, nor by Reason of the Land, but is paid by Reason of the Increase or Renewing, and therefore the Doctrines of the old Fathers, the Statute of *Edw.* the 6th, and so the Popish Laws for Tithes, do as well require the Payment of the tenth Part of Men's Profits and Gain, whether by Trade, Commerce or Merchandize, as of the Fruits of the Earth, yea the tenth Part of Wages, and all personal Increase, though not raised immediately by Land: And surely no Man will say, that he pays Tithe of these because his Ancestors charged him with them; nor will any Man allow, that another Person, by any Gift of his Ancestor, can have another distinct Property in the tenth Part of the Fruit of his Labours; and the Case is the same as to all Tithes, whether predial, personal or mixt; if I sit still and plow not, no Corn will grow: If I sit still, and work not, no Profit will rise; so that it's my Labour, my Diligence and Industry that raiseth the Tithe, and in my Power it is, to make it less or more; and sometimes, yea often, it falls out, that the Tithe of Corn is thrice more worth than the Yearly Value of the Land on which it grows; and herein Tithe of Corn is far more hard and unequal than personal Tithes; for the one pays but the Tenth, all Charges deducted; the other pays the Tenth of Charges and all.

MINE Ancestor could not charge me with that which doth not accrue by Reason of that which I have from him; nor am I bound, because mine Ancestor left me Land, to pay Tithe, which is not paid by Reason of the Land, but of the Increase,
unto

unto which I am no more tied by *Law*, than he is who hath Increase without Land. If I have Land, and no Increase, I pay no Tithes; if I have Increase, though no Land, I ought by Law to pay Tithes. If I husband my Land, so that the Increase of it is not to be severed, no Tithe can be recovered of it; and therefore if I pasture my Land, no Tithe shall be paid for the Grass, which is eaten unsevered, but only a Rate-Tithe for that which doth depasture on it; which makes it plain, that Tithe is not paid by Reason of the Land, but of the Stock; and in that also, it lies in my Power to make the Tithe much, little or nothing; if I plough and sow Corn, the tenth Part of the Increase is generally more worth than the Land on which it grows, which comes not by the Land which descends from the Ancestor, but because of the Increase, won by the great Charge, Industry and Labour of the Husbandman. If I pasture my Ground with Sheep that yield a Fleece, the Tithe will be considerable, though not so much as by Corn. If I pasture with Cows or breeding Cattle, a much less Tithe is paid: And if I eat with Horses and barren Cattle, a small and inconsiderable Rate is only required, tho' in few Places of the Nation would that be recovered in the Times of greatest Height of Popish Laws. But if I plant Wood, and let it stand for Timber; or if I store my Land with Beasts which be *feræ naturæ*, wherein there is no personal Property, no Tithe shall be paid. Or if I will let my Land lie waste, (which may be supposed, because it may be done) or will eat my Meadow, or Corn standing, no Tithe can be required. All these Instances manifest, that Tithe hath still Relation to the Stock and personal Estate, and not the Land, and is paid by Reason of the Stock, and not the Land; and so no Ancestor could lay and perpetuate such a Charge

as Tithe upon it, nor could he bind his Successor to it. If by my Ancestor I am bound to pay Tithes *ratione tenuræ*, or in Consideration of the Land which he leaves me, to what Value must it be? I may yearly pay more than the Land he leaves me is worth: If I keep it in Tillage, and if I pasture it, I need not pay the twentieth Part; have I not herein (without Fraud to my Ancestors) Power to pay much or little? (d) How is this like a Rent-Charge certain, which is by some objected? If
Tithes

(d) It may be farther shewn, that there is no Parity of Reason between Tithes and a Rent-Charge fix'd upon Lands; for a Rent-Charge is paid by Reason of the *Land* on which it is charged (in which, he that charg'd had a Property) but Tithes are not paid by Reason of the Land, but by Reason of the Stock and Labour of the present Occupier of the Land. If there be no Increase, no Profit made, no Crop planted, nor any Thing renewing upon the Land, no Tithe can be demanded. But for the Non-Payment of a Rent-Charge, he on whom it is settled, may *enter* upon and possess the Land which is charged with the Payment of it. But for Non-Payment of Tithes, he who claims them, cannot enter upon or possess the Land, but is made whole out of the Stock of the Occupier. All which demonstrates, that it is the Stock, not the Land, of which the Tithe is paid. Now since Tithes are not the tenth Part of the Land, but the tenth Part of the Increase of the Stock, and seeing the Labour, Care, Skill, Industry and Diligence of the Occupant, is involved, and necessarily included in the Stock, as instrumental Means and Causes of producing the *Increase*: a perpetual Grant of Tithes, implies a Grant not only of other Men's Stocks, in which the Granters had no Property, but of other Men's Labours, Care, Skill, Diligence and Industry also, long before they were begotten; upon which Supposition, all Men but Priests, since *Ethelwolf's* Time (the first King of *England*, who made a Grant of Tithes) *must be born Slaves*, under an Obligation to employ their Time, Pains, Industry and Skill, *in working for the Priests*. But whether it be rational to admit in *Ethelwolf*, or any other, a Power to *impose the Necessity* of such a *servile* Condition on their Posterity, let the Reader judge.

And

Tithes were paid by Reason of the Land, surely
there is most Reason, that the Tenth Part of the
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And if we suppose, that *Etibelwolf* had an ample Power of disposing what he pleased, or that the People had by Consent joined with him in the Donation, every Man according to the Interest he had; yet neither could he single, nor he and they conjoin'd, grant any more than belonged to themselves; for it is an indisputable Maxim, that ** No Man can * Nemo transfer more Right to another, than he himself hath.* They might have disposed of what Part of the Land they pleased, plus juris ad alium they might have given the tenth Part of the Land, the tenth Acre, &c. But for them to make a Grant of the tenth Part of the Profits of the Land for ever, is repugnant to Reason, potest Justice and Equity; they are therefore greatly mistaken, quam ipse who take Tithes to be no more than a Rent-Charge, and urge it, *That the Owners might as well make a Grant of Tithes for ever, as set a Rent Charge upon their Lands for ever.* haberet.

Tho' this Argument has been urg'd for the Reason and Lawfulness of paying Tithes, yet if we consider impartially the Nature of each, we shall find a vast Difference: For if a Man enjoys a Farm, on which a Rent-Charge is settled, he is chargeable with, and liable to pay it, whether he employ his Farm or not. Whence it is evident, that a Rent-Charge being a Charge upon the *Land*, not upon the *Stock*, and *Tithes* being a Charge upon the *Stock*, not upon the *Land*, though our Ancestors had Power to lay a *Rent-Charge* upon their own *Lands*, in which they had a Property, yet they could not have a Power to grant Tithes out of other Men's Stocks, in which they had no Property. Again,

Though it should be urged, *That Tithes were settled by those that were actually seized of them in Law*; yet if Tithes be the Tenth of the Profits or Increase of the Land, they who were actually seized of them in Law, could settle no more than they were seized of, and they could be actually seized of no other Profits or Increase, than what did grow, increase, or renew upon the Land, while they were actually seized of it: So that such Settlement, how valid soever, while they lived, must needs expire with them. Hence can any one with Reason urge, that they who were possessors of Land an hundred Years ago, could then settle or dispose of the Profits and Increase that shall grow and arise upon the Land an hundred Years after, since that Profit cannot arise barely from the Land, but from the Labour, Industry and Stock of the Occupier? Were

Grass renewing upon all Pasture Grounds should be paid ; for the Land still brings that with it, and it's easily divideable by Rent, or let by Month. If another hath as good Right to the Tenth Part of the Increase, as the Owner hath to the nine, why can he not take it without the Owner's setting it out, or recover it by Action of Debt or Trespass ? But it is clear there is no Title till it be set forth, and then if the Owner carry it away, an Action of Trespass lies, because he had set it out, and given it to another, and so altered his Property, as one Man doth, by marking his Cattle for another Man, and therefore it is, that the Law which commands Tithes, doth not give Power to any to take the Tithe, because he had no Title, but enjoyns the Owner to set it forth, and so make it another's by his own Consent.

If any Man claim Tithes by my Ancestor's Gift, may I not ask him, to whom, and for what, my Ancestors gave them ? And it is plain beyond Denial, that all those Gifts of Lands or Tithes in *England*, since *Augustin* the Monk planted the Popish Faith,

Were ever any actually seized of the Labour of the Husbandman's Hands, of the Sweat of his Brows, of the Judgment, Understanding and Skill that God hath given him ; of the Stock he employs, the Cost he bestows, the Care, Pains, Industry and Diligence he exercises for the obtaining a Crop ?

Again, if we consider the Practice of our Ancestors, in their Donations of Tithes, we may find, that they did not look upon Tithes to be at all in the Nature of a Rent Charge, for they took great Care by *Legal Settlements*, to secure and assure those *Rent-Charges* ; but made no Provision (for some hundred Years) for the *Payment of Tithes*, save by Ecclesiastical Censures ; nor was the Knack of suing for Tithes in *temporal Courts* found out, till of late Years ; which argues, that as they gave Tithes at first in a religious (though blind) Devotion, so they intended the *Continuance* of them should have depended on Devotion also. *Thomas Ellwood's Foundation of Tithes Shaken.*

Faith, and preached up the new Payment of *Tithes*, were given to Popish Priests, for saying Prayers for the Souls of the Givers, and their deceased Ancestors, as old Consecrations do witness: And therefore in Reason, if the Consideration and Service be ceased, so ought also the Wages, for no Man, in Law or Equity, ought to claim Wages when he will not do the Work for which it was given; and seeing those Popish Priests and Prayers are laid aside, the Gift (if any such were, and could be binding) ought to return to the Donor, and may not without his Consent be perverted to another Use.

“TITHE was never claimed in Respect of any SHEP-
HERD.
“Ownership in the Land, but *ex debito*, by the
“Law of God, for Substraction whereof, no Re-
“medy lay at the *Common-Law*; and therefore,
“if a Parson let a Lease of his Glebe to another,
“with all the Appurtenances, yet he himself shall
“have Tithe of it.”

“*TERRÆ non sunt decimabiles*; and therefore
“neither *Mines* nor *Quarries* of Iron, Brass, Tin, COOK.
“Lead, Coals, Stones, Tile, Brick or Lime, are
“titheable, nor *Houses*, nor *Trees*, nor *Grass*, nor
“Corn, till they be severed from the Land, the Consimiliar
is Felony &
trespass be-
tween free
hold and
moveable
Goods.
“real Estate which descends by Inheritance from
“the Ancestor, and made a distinct personal Pos-
“session.” And therefore Tithe is not paid of
Land, nor by Reason of the Land, nor is it a
Charge upon Land, like a Rent-Charge, nor was
it ever so claimed, till of late, that the *Popish Co-*
vers were not broad enough.

Object. BUT some object and say, *When I bought my Land, I bought not the Tithe, nor paid any Thing for it.*

Ans. I ANSWER, That I and all Men bought all our Land, and that without any Charge of Tithe upon it; and therefore in all Conveyances,

it's still said, *All that* &c. and never any Covenant for, or Exemption of, a tenth Part, either of Land or Increase; and to him that saith, the Seller, or his Ancestor charged it with Tithes, as a Rent, I say, where a Rent is charged, it is still expressed, and find any such Exemption or Covenant, and I will freely pay them as a just Debt. And is it not ridiculous for any to talk of purchasing his Tithe? For with his Labour, Charge and Husbandry, he pays dear enough for his whole Increase.

Obj. ANOTHER objects, *That tho' I bought all my Land, yet I bought it cheaper, (because it was supposed, that it ought to pay Tithes) than I could have bought such Land as was known to be Tithe-free; and therefore having a cheaper Bargain, I am bound in Equity to pay Tithes. (e)*

Ans. I ANSWER, that I have already proved all Land is Tithe-free, and the Charge of Tithe is
upon

(e) N. B. Let the Reader consider, *What it is the Purchaser buys, and what it is Tithes are demanded of.* The Purchaser buys the Land, and that he buys intire. No Tithe-Land, no tenth Acre, is ever excepted expressly or implicitly; but he buys the whole Field or Farm, the tenth Part as well as the nine. But in this Purchase he buys the Land, not the Profits or Increase, which by Husbandry and manuring may arise upon the Land in Time to come; for they are uncertain, and the Seller who makes him an Assurance of the Land, will not undertake to assure him a future Increase and Profit from the Land; nor were it reasonable to expect it. When therefore he has this Land, if he will have Profit and Increase from it, he must purchase that after another Manner. He pays for that, (and many Times dear enough too) by the Labour and Charge he bestows in Tilling, Dressing, and Manuring it. And if in this Sense, he may be said to purchase the nine Parts of the Crop or Increase, in the same Sense he purchaseth the tenth Part also, for he bestows his Charge and Pains on all alike; and the tenth Part stands him in as much as any one of the Nine. Thus then the Buyer
first

upon the Stock and personal Estate, and not upon the Land. And the Strength of this Objection lies, in comparing those that pay Tithes with those that are free; they that buy Lands Tithe-free, are eased of this Oppression, and are in no Hazard; and tho' all others ought to be so, yet it being a Question, whether they can ease themselves of the Burden, they buy under an Hazard, and as subject to such a Charge; but if they can cast off the Yoke, they get but what is their own: And seeing we have denied the Pope's Authority and Supremacy, we may so soon as we can, wholly cast off the Burdens which he laid on us. And thus, he that buys Lands in the Years of Trouble and heavy Taxes, may perhaps buy much cheaper than when none, or little, is paid: Shall he therefore always be required to pay Taxes when others are discharged? Or shall he that bought cheap Pennyworths on the Borders between *England* and *Scotland*, when those Parts were infested with *Moss-*

E 4

Troopers,

first purchaseth the Land, and afterward the Occupier, whether Owner or Tenant, purchaseth the *Crop*. The one buys the Land by laying down so much Money, the other obtains the Crop, by bestowing so much Charge, and so much Labour, &c. And as in the Purchase of the Lands, the Buyer doth as really buy the *tenth Acre*, or tenth Part of the Lands, as the Ninth or any other Part of the Nine; so in the Purchase of the Crop, the Occupier doth as really purchase the *tenth Part* of the Profits and Increase, as he doth the Ninth, or any other Part of the Nine; and after the same Manner, he lays his Dung on *all alike*, he sows his Seed on *all alike*, he plows *all alike*, he bestows Pains and Charge, and exercises his Skill and Care *equally on all*. Thus it appears, that *Tithes are really purchased* by them, by whom the nine Parts are purchased, and do really belong to them, to whom the nine Parts do belong; whether Tithes be understood of Lands or of Profits. If of Lands, the Purchaser doth as really buy the *Tenth Acre*, as any of the Nine, and gives as much for it. If of Profits, the *tenth Sheaf*, or *tenth Part* of the Crop, doth cost the Occupier *as much* to the full, as any other of the nine Parts.

Troopers, always maintain, or pay Tribute to Thieves and Robbers? We bought Land when the Pope's Yoke was upon our Necks, and if we cast it from us, we may, by as good Reason, be eased of our Tithes, as they of their Taxes. But if I bought cheaper, what is that to the State, or to a Priest? If in Equity I be bound to pay any more, it is most just, that he have it of whom I bought my Land, and not another.

There are others who plead a legal Right by Prescription, and that they have a good Right, because they have so long possessed them.

THIS was the old Device, first to preach that Tithes were due, and then to limit them to the Parishes, and when forty Years were past, to claim them as a Debt, which before was paid as Charity, or at most as a Free-will Offering of the Owner. And thus the Pope got first-Fruits and Tenths, and *Peter-pence*, and many (f) great Sums out of this and other Nations, which long continued; and he might as well have pleaded his Prescription, as any of his Branches now can do. Is any so blind, as not to see what poor Shifts are now made, to uphold so great an Oppression, which can find no better Ground for its Support than this, *that it hath been so long continued*? But shall the Continuance of an Oppression give Right to perpetuate the Grievance? How many great and heavy Pressures, in other Things, did long lie on this Nation, of Customs and Practices of former Times, which daily were, and still have been abolished, as *Light* did more and more encrease? Witness those many Laws and Statutes made, and now in Force, abolishing

(f) In temp. H. 3. the Pope had above 120000 l. per Annum, out of this Nation, which was then more worth than the King's Revenue.

lishing the Usages and Customs of former Ages ; but yet this is a great Mistake, for by the *Common-Law* (and the old *Popish Ecclesiastick-Laws* is out of Doors) no Man can prescribe to have Tithes, tho' many may prescribe to be free from Tithes, or Part thereof ; for he that claims Tithes, (except Impropriators, to whom I shall speak hereafter) must claim them as a Parson, Vicar, or other called Ecclesiastick Officer, and, (as I have hinted before) he claims them not as such a Person, but as such an Officer, and the Prescription (if any were) is to his Office. Now if no such Office be in Being, his Claim is at an End : That there is now no such Office, is plain, for when *H.* the 8th renounced the Pope, he was declared by Act of Parliament (which was assented to by all the Clergy in their Convention) to be the Head of the Church ; and all Arch-Bishops, Bishops, and all others in Ecclesiastical Orders, were no longer to hold of the Pope, but of the King, and not to claim their Benefices by Title from the Pope, but of the King, by Virtue of that Act of Parliament. And here the Succession from the Pope was cut off, and discontinued ; and the King by his new Authority, as Head of the Church, made Bishops, and gave them Power to make Parsons, Vicars, and others called Ecclesiastick Officers. Afterwards, as the King renounced the Pope, so the Parliament of *England* laid aside Kings, who had assumed the Title and Stile of Head of the Church, and also abolished Arch-Bishops and Bishops, and all their Dependencies, Root and Branch : And here the whole Ecclesiastick State was dissolved, and the Body fell with the Head, and the Branches with the Root ; both Parsons, Vicars and Curates, and all the whole Pogeny and Off-spring, and so all their Right, Title and Claim to Tithes, was, and is at an End, as is more plainly, and more fully, set forth,

forth in a late printed Paper, by *Jer. Benson*, to which I refer.

AND now I come to the last, *Those that claim by Purchase, and these are the Impropriators, and they say they have bought them of the State, and have paid great Sums of Money for them, and many of them have no other Subsistence.*

To these I answer, That I have shewed before, that in the Root all Tithe is alike, whether it be now claimed by a Priest or an Impropriator, and both must fall together. And seeing those that sold them had no good Title, neither can theirs be made good which is derived from them: But seeing it was the State that sold them, and that the whole Nation had the Benefit of their Moneys, it is equal and just, when they cannot have what is sold, that their Moneys be re-paid; to which Point I shall speak more fully hereafter, in Answer to an Objection which I meet with in my Way, needful to be resolved.

AND thus I have briefly gone over the whole Matter, and heard what every one can say, and have returned them Answers, by which it doth plainly appear, that no Man at this Day can claim Tithe of another, either by Divine or Humane Right; and that Tithes are neither due by the express Law of God, nor by the Equity of that Law, nor by the Decrees of the Church, nor Grants of Kings, nor Laws of Parliaments, nor Gifts of the People, nor Prescription of the Possessors, nor the Purchase of Impropriators.

It now only remains, that I answer some general Objections, which I shall do in as much Brevity as I can, and so leave the whole to the Reader.

THE First is made by the *State*.

THE Second by *Impropriators*.

AND the Third by *Parish-Ministers*.

And

And all these together object and say, *That tho' it should be granted, that the Right of Tithes cannot be proved, yet if it be found, that taking them away will bring great Loss to the publick Revenue, much Damage, if not Ruin, to many particular Persons and Families, and great Hazard of bringing Confusion to the Nation, by such a great Alteration, after so long a Settlement, and endanger the very publick Profession of Religion, by taking away Minister's Maintenance, and consequently Ministry it self; it is not Prudence for satisfying some, to bring so many and great Inconveniences upon the Nation.*

THESE Objections plead not for the Right of Tithes, but against the removing of them, to prevent Inconvenience; and if the one be granted, that Tithes are an innovated Popish Exaction and Oppression; and neither due by Law of God or Man, such Considerations as these ought not to obstruct the Removal of so heavy a Grievance and Oppression, but that which is just ought to be done, which is a general Good to the whole Body, and almost every individual Member; and then such Parts as are found grieved, may be afterwards eased and relieved; and though all these should in some Measure suffer, it were but just, seeing their Compliance with the Oppressor, hath brought such a general Yoke and Burden upon the whole Body, and now they are become the only Obstructions of the general Easement and publick Freedom.

AND yet a few Words I shall answer to every one, and first to the *State*, which complains of a great Loss by taking away first-Fruits and Tenths, which are paid out of Tithes:

WHEN the Pope had established the Payment of Tithes, and set up a new Hierarchy, after the Pattern of the *Jewish Priesthood*, he took upon himself to be Successor to the *Jewish-High-Priest*, and claimed

*Jerom in
Ezek. ch.
44. v. 28.
&c.*

claimed Tenths from all his inferior Priests, *jure divino* ; and in process of Time, he got to himself, by the like Colour, first-Fruits also ; and though it was long e'er he brought his Work to pass in England, yet at last it was effected : You may by these following Instances know, how much our English Nation struggled against them.

2Ed.3.Rol. *The King forbad H. P. the Pope's Nuncio, to col-*
 Claus. M. *lect First-fruits*

The Pope's Collector was willed no longer to gather the First-fruits, it being a very Novelty, and no Person was any longer to pay them.

4Par.1Ri. *The Commons petition, that Provision may be made*
 2. Nu. 66. *against the Pope's Collectors for levying of First-fruits:*

Rol. Parl. *The King in Parliament answers, There shall be*
 4. R. 2. *granted a Prohibition in all such Cases, where the*
 Nu. 50. *Pope's Collectors shall attempt any such Novelties.*

Rol. Parl. *Upon Complaint made by the Commons in Parlia-*
 6. R. 2. *ment, the King willeth that Prohibitions be granted to*
 Nu. 50. *the Pope's Collectors, for receiving of First-fruits.*

6 H. 4. *First-fruits, by Arch-Bishops and Bishops to the*
Pope, were termed an horrible Mischief, and damna-
ble Custom.

Rol. Parl. *The Pope's Collectors wererequired from thenceforth*
 NH. *not to levy any Money within the Realm, for first-fruits:*
 . 43.

THE Pope thus claiming First-fruits and Tenths as annexed to his Chair, Successor to the Jewish-High-Priest, and Head of the Church, continued to collect them, till H. the 8th, discontented with the Pope, tho' himself was a Papist, renounceth the Pope's Supremacy, and assumes it to himself ; and by Act of Parliament, in the 26th Year of his Reign, got first-Fruits and Tenths annexed to his Crown, as Head of the Church ; and so himself became worse than the Pope, taking the Wages, but not doing the Pope's Work : And that which, before
 by

by Parliaments, in the Height of Popery, was declared as a damnable Custom, was now, in the Beginning of Reformation, made a Foundation-Stone to support the Greatness of the new made Head.

AFTERWARDS, Queen *Mary*, not daring to assume the Headship of the Church, did relinquish, and by Act of Parliament, wholly took away first-Fruits and Tenths, she doing no Work to deserve such Wages. And what a Shame is this to our Nation, and our great Professions, after so long Talk of Reformation, now to plead for such Wages of Unrighteousness, first exacted by the Pope, and then by such as assumed to themselves the Stile of Head of the Church, who upon that very Account had them annexed to the Crown? And shall we now, who pretend to have cast off the Pope, and left the Headship of the Church to Christ, (worse like than Queen *Mary*) uphold such wicked Oppressions, which are the Ground of a great Part of good Men's Sufferings for Tithes this Day? For the Pretence of paying Tenths is the Ground of the many Suits for Tithes in the *Exchequer*, where otherwise by Law they could not, nor ought to be recovered. And as to the publick Revenue, I am informed they add not much thereunto, but all, or a great Part of them, are given in Augmentations to Priests, who, no doubt, will receive them without Scruple; though I know, many of them, not long since, did complain against them as a Popish Oppression. But take away Tithes, and there are as many Glebe Lands will fall to the *State*, as will fully make up that Loss, which they may as well take away, as their Predecessors did the Revenues of Abbeyes and Monasteries; and when the People are eased of Tithes, they will be better able, and more willing, to enlarge the publick Treasury, if it be found wanting.

Bur

BUT it's hoped, our *State* rather looks at the Freedom of the People, than the Increase of the Revenue; seeing so lately they took away the Profits of the Court of *Wards*, which was a much better and greater Income, and granted many great Men such Freedom for nothing, as they could neither in Right claim, nor in Reason expect, without a very great Sum, their Estates being given to them to hold by such Services; and surely, they will not deny the poorer Sort of People their own and dear bought Increase.

Secondly, *To Impropriators, and such as have more lately bought Tithe-Rents.*

AND to these I say, tho' it be a general Rule, *Caveat Emptor*, yet seeing the Ignorance of former Days (but peeping out of Popery) did take it for granted (both Buyer and Seller) that the Title was good; and since the Purchasers did pay great Sums of Money for them to the *State*, which went to the bearing and defraying the publick Charge of the Nation, it is just, that they have a moderate Price for them, with which I believe most (if not all) of them, would be well pleased and content, only in the Estimate of that Rate they must consider, that they have bought no more, but what the Abbey, Monastery, or other dissolved House had; and these Houses, out of their appropriate Tithes, were to find a sufficient Priest or Curate, Canonically instituted, which was to have Allowance at the Discretion of the Bishop of the Diocess, and also a convenient Portion of the Tithe was to be set apart, for the Yearly Maintenance of the Poor of the Parish for ever, as is provided by divers Acts of Parliament. And after the Dissolution and Sale of Tithes, the like Charge was, and ought to be continued upon them, as at large is proved, in a
Treatise

Treatise, called the *poor Vicar's Plea*; and let but such Purchasers look to their original Grants, and they shall find, that the Yearly Value was but little, and the Rate small after which they paid for them; and in Regard of the Charges and Hazards upon them, they were seldom, or never, esteemed more worth than ten Years Purchase, and that Rate at an indifferent Yearly Value, may well be accepted for them.

THIS Answer will please the Impropropriator well, who hath not been without his Fears to lose his Tithes, and get little or nothing for them; and it cannot much displease others, because it is equal and just, that seeing he cannot have what is bought, he have his Money returned without Loss.

BUT the great Difficulty seemeth the raising of so great a Sum of Money, and who shall pay it? For first, there are many who plead, *Our Lands are wholly Tithe-free*: Others say, *we pay a Rate, or small Prescription-Rent, or have a modus decimandi, and our Tithe is very small, though our Lands be of good Value.* Others say, *We have converted our Lands into Pastures, and pay little Tithe; and therefore, it seems not equal, that we should pay as much as those, whose Lands consist of Tillage, whose Tithes are often as much worth as the Land.*

Answer, THAT the raising of this Sum, is not to follow the Rate of Tithe, nor hath it any Relation to Tithe; for if it had, many would as justly scruple the Payment of any Thing towards it, as they do the Payment of Tithes; but the Case must be thus consider'd: At the Dissolution, Tithes of Abbeys, Monasteries, &c. were taken into the Hand of the State, they sold them, and the Money raised, went to the defraying and carrying on the great Charge then upon the Nation, as it was of late in our Days, when Tithe-Rents were sold; and at that Day, there were Wars with France

and

and *Scotland*, and many great Exigences of *State*, as the Statutes for the Ground of the Dissolution shew: And in the Service and Use of these Moneys, the whole Nation, and every Man therein, had his Share, and so far as those Moneys went, the People were spared, as the Case was with us of late; and so he that had Land Tithe-free, and he that paid only a small Rate for Tithes, and he that had Pastures and no Tillage, all these shared in the Sum, yea, and the very Impropiator himself, and not according to the Proportion of Tithing, but according to the Value of their Estates in Lands or Goods, by which they had been otherwise chargeable: And so the Impropiator depositing so much Money upon a Pledge, the one being required, the other must be returned, and by a general Tax it must be raised, wherein every one must bear his Proportion, the very Impropiator himself.

BUT then in comes he that bought the Lands of Abbeys, &c. which, he saith, *The Pope had made Tithe-free, and that when he bought his Land, he also paid for the Tithe, and so he must either be freed from paying to the Impropiator, or must have his Money returned as well as he.*

I answer, THOUGH there are many such Purchasers, yet I believe, to the freeing the Nation from this great and long continued Oppression, they, or most Part of them, would be content to contribute without any such Demand. But if any stand upon it, let him shew what he paid for his Tithe, and he shall have it, which was not a Penny; for, search the Court of Augmentations, and it will be found, that there was not in the Value of Land, the least Difference made between Tithe-free, and that which paid Tithes; as there was not of late, in the Sale of Bishops, and Dean and Chapters

Chapters-Lands, many of which also were as much Tithe-free ; and so if they bought Land Tithe-free, as cheap as if they had paid Tithes ; they have had Profit enough, and may now well afford to pay with their Neighbours.

Thirdly, *To Parish Ministers.*

AND with these I desire a little to expostulate the Matter, first, as touching the End of their Work ; and secondly, as to the Way of their Maintenance. Their Work, as they pretend, is to preach the Gospel, and to propagate Religion : Now I would ask them, why they suffer (not only so many Villages, Country-Towns, and Parishes, but) even great and populous Cities and Market-Towns, and whole Corners of Countries, to lie destitute, who never could get any other Minister, than a poor Vicar or Reading Curate ; they will presently answer me, there is no Maintenance, and without that they cannot live. If I ask them farther, why there is no Maintenance ? They will tell me, It is either a City or Market-Town, to which there belongs no Land, and so no Tithes ; or it is an Impropriation, and pays only a small Stipend ; or the Lands are Tithe-free, or claim Customs and Prescriptions, and only pay small Rates for Tithes ; or otherwise the People have converted their arable Lands into Pastures, and their Tithe is of small Value ; and will not afford a Maintenance. I would yet ask them again, Is not a third Part of the Nation in this Condition ? And must they never have an able Minister ? Have they no Share in your Gospel, because they have no Maintenance ? Are none of you called to such Places ? Or hath Christ no Seed of Election amongst them ? If this be not your Doctrine, yet your Practice preacheth it. And if you were really for spreading your Gospel, and enlarging

larging Profession, you would forthwith throw away Tithes; for so long as they continue, there can never be any Possibility of raising Maintenance in such Places.

AND secondly, as to their Maintenance, is there any Indifferency, Equality, Proportion or Justice, in their present Way of Tithing? One Man pleads he is to pay nothing to a Minister, because the Pope hath given him a Dispensation, and made his Land Tithe-free. Another Man saith, he hath a Prescription to pay but a Penny (it may be) for the Value of a Shilling. Another saith, he hath converted his Lands into Pastures, and hath by his Artifice so ordered it, that little is due for Tithes. Another saith, he dwells in a City or Market-Town, and hath no Land, tho' it's like he gains more by Trade, than ten poor Country-men that pay Tithes do by their Lands. Another saith, he pays Tithe to an Impropiator, and he cannot afford to pay both him and a Minister. Is this your equal Way of Maintenance, so long upheld and pleaded for? And have you not a more righteous Rule? The Rich generally pays little, and the poor Husbandman bears the Burden, even he that supplies the Nation with the Staff of Bread, who is notwithstanding at more Charge in his Husbandry than any other; and out of the Tithe of such Country Parishes of Tillage, generally great Sums are paid for Augmentations, to Cities and Market-Towns, when the Inhabitants, that have far greater Gains by Trading, go free. For Shame, at length follow the Example of your neighbouring Reformed Churches, and throw away Tithes as an old Relick of Popery, and no longer halt between two, and betake your selves to a more Gospel-like Way of Maintenance; for Light now breaks forth, and Pretences will no longer cover.

It's like you will answer, *We confess, the present Way of Maintenance by Tithes is very unequal, unless the whole Nation could be brought to quit all their Customs and Prescriptions, and pay Tithe in Kind; and also all Merchants and Tradesmen would pay the tenth Part of their Gains, as was by the Pope enjoyned, but that will never be done, and therefore it's better to hold some, than loose all; for we know not what better Way would be provided: But shew us, how we may have a comfortable and certain Maintenance, and more like the Gospel, and we shall most willingly quit the one, and embrace the other.*

To this I answer, That there is a Way, which as it would establish the Nation upon a sure Foundation of true Freedom (as to the Conscience) giving Content to all separated Congregations, Societies and Persons; so would it upon the same Basis of Liberty, hold forth full Satisfaction to all People of the Nation, both as to Ministry and Maintenance, and would be as acceptable to every one, as the taking away Tithes. But I have said enough at once, and when this is a little digested, the other will be more fit to be proposed.

ONLY to such as fear Confusion, or Trouble, or Loss to the Nation, by taking away Tithes, I would say a few Words: Do but look into almost every Country-Town, and there shall you find Debate, Strife and Variance, either between Man and Man, or between Parishes and their Ministers, either about Tithe it self, the Quantity, or the setting it out; look into Courts, and there you shall find Suit upon Suit; and at Assizes, and before Justices of Peace, Multitudes of Trials and Judgments about them: Look into Prisons, and there you shall find not a few restrained, and lying under great Oppressions, because they cannot pay them: And these Suits and Troubles are daily increasing,

and the Number of those that will not pay them, and these are no small Confusions in our State ; for it is evident, there are more Suits, and Strife, and Difference about Tithes, than any one Thing whatsoever in the Nation ; and how soon might all these be ended, and every one satisfied, by taking away Tithes ? And then do but look upon the many Moors, Commons and Wastes, in the Nation, amounting to a full third Part of the whole, as hath been computed, to the many great Pastures and Meadows decayed for Want of Tillage, to the many Countries which are turned into Pastures and Meadows, because of the great Charge of Tillage, Husbandry, and the unreasonable Payment of a clear tenth Part, which in most Places is half the Profit ; and it will be found, nothing does so much hinder the Improvement of the Nation, which would ease the publick Burdens, and would soon be of more Advantage than First-fruits and Tenths. Nothing so much hinders Tillage, which often puts the Nation upon Hazard of Ruin, and forceth us to seek Bread out of other Countries at immoderate Rates ; when as this Nation is generally so fit for Corn, that it might be as a rich Granary, not only for our own Supply, but Relief of our Neighbours when they want. I might say a great deal more upon this Subject, but much to this Purpose hath been said by others, and therefore I shall conclude.

And let no Man henceforth think it strange, that any should refuse to pay Tithes ; but rather wonder, that any will do it:

A N

A P P E N D I X.

*In the Year 1646, about two Years
after the Ministers (so called) had got an
(g) Ordinance of Parliament for TITHES;
there was a Treatise published with this Title,
Tithe-Gatherers no Gospel-Officers,*

O R

*Certain brief Observations concerning the first
Institution and paying of Tithes.*

Whereby it appears,

THAT Men were never compell'd to the Payment of them in the Old Testament, nor did ever practice it in the New.

THAT the Gospel Contributions were all voluntary, accounted as a free Gift, not a Debt; the Apostles themselves, not only chusing to labour with their own Hands, but requiring all their Successors to do the like, that they might not be chargeable to any of the Disciples.

To this Treatise there is an Epistle prefix'd, directed to the Reverend Assembly of Divines at *Westminster*. It begins thus.

Men, Brethren, and Fathers,

“ I could not chuse but give you Notice of a Design discover'd unto me, of no small Party, which at present is conspiring, how the Possessions of Bishops, Deans and Chapters, &c. which by our

F 3

Ancestors

(g) See Page 42 in the Great Case of Tithes.

Ancestors, were intended for publick and pious Uses, may become their peculiar Inheritance, and totally discourage Posterity from all charitable Legacies, when they shall see them alienated to such quite contrary Purposes.

I understand likewise of several Petitions by Multitudes of the most conscientious Free-born Subjects of *England*, demonstrating how unjust it is, that a small Number, who, in Complement call themselves our *Ministers*, should at their own Pleasure, become our Masters; and so contrary to the Subjects Liberty, force from us the fifth Part of the whole Kingdom in Valuation, without either *Articles* or *Consent*; and that which is worst of all, even not to be longer endured by such as make Conscience of any Thing, they claim it by *Divine Right*, and for such Services, as to many seem little less than Anti-christian or Idolatrous.

'Tis frivolous for you to distinguish between a Conscience truly informed, and contrarily; for unless you will pretend your Arguments to be like the Peace of God, which passeth all Understanding, *Phil. iv. 7.* you must unavoidably permit Men, even every particular Man for himself, to resolve the whole Scripture, and every Part thereof, into a full Persuasion of his own Heart, concerning whatsoever he is to practice or believe, *Rom. xiv. 5, 22, 23:* Either grant this or burn your Bibles, how many soever differing Translations, with their whole Impressions, as have been brought unto you; since you do but teach your Lay-People to suspect them all, whilst you your selves will not be ruled by any, in any Man's Judgment besides your own.

A Word to the Wise should be enough; it is of so great Interest and Consequence to this whole Kingdom for one Respect or other, to demolish and root out the very Memory of this Tithe-Idol, which all other Reformed Christians have long
since

since abominated, that it concerns you to look out some other Maintenance less scandalous, and more Gospel-like.

BUT you'll say perhaps, you have Maintenance allotted you by *Ordinance of Parliament*. What an Ordinance of Parliament? I reverence Ordinances of Parliament, but, methinks, you should rather fly for Refuge to *Christ's Ordinance*. Ordinances of Parliament are repealable, what one Parliament bestows upon you, another Parliament may take away; but *Christ's Ordinances* are like himself, unchangeable; whatever you may think of him, doubtless you cannot leave him for a better Master: Try then a little, compare the Ordinances together, look before you leap, if ye be Men: If Christians, consider which may prove the surest, the better Title.

CHRIST ordained, *that they which preach the Gospel should live by the Gospel*, 1 Cor. ix. 14. that is, they should have such a Livelihood as is set out, and warranted by the Gospel, which is the free Benevolence and Bounty of their Brethren, and if you will have it in Christ's own Words unto the true Disciples, *That into whatsoever House they enter, they should remain eating and drinking such Things as were set before them*, Luke x. 5, 7, 8. *and having Food and Raiment, they should be therewith content*. 1 Tim. vi. 8. On the other Side,

THE Lords and Commons in Parliament assembled, Die Veneris, 8 Novemb. 1644. ORDAIN, *That every Person or Persons, within the Realm of England and Dominion of Wales, shall pay all and singular Tithes, Offerings, Oblations, Obventions, Rates for Tithes, and all other Duties commonly known by the Name of Tithes, unto the respective Owners, both Lay and Ecclesiastical.*

THIS is the Effect of *Christ's Ordinance*, with that of the Lords and Commons in Parliament, I shall not seek to make Enmity betwixt them, and

I hope every Reader, will, in Time, see how far forth they will run parallel. What will you more then? Our Saviour, you see, has by an *Ordinance of Heaven*, provided for you both Food and Raiment, requiring you, by his Apostle *Paul*, to be therewith content."

THUS much of the Epistle to the *Westminster Divines* (so called) we shall now give the Reader a few of this Author's Arguments against Tithes.

"TITHES, as I have proved, were not due until the *Israelites* came into the Land of *Canaan*, and that unto a Tribe of *Levi*, for particular express Purposes, *to wit*, besides others, that they should give one Tenth thereof for an Heave-Offering unto the High-Priest. *Numb.* xviii. 27, 28, 29. who was to sacrifice in the Temple at *Jerusalem*; and the said Tribe of *Levi* was to attend and do the Service of the Tabernacle, *Numb.* iii. 7, 8. and was only required to receive Tithes of their Brethren the *Jews*, the other eleven Tribes which came out of the Loins of *Abraham*, *Heb.* vii. 9, 10. and neither they the said Tribe of *Levi*, nor the High-Priest, to have any other Portion or Inheritance besides the Tithes, *Numb.* xviii. 20, 23, 24. from whence, among others, we may draw these few Observations.

I. ACCORDING to the *Levitical-Law*, the Tithes of the Land of *Canaan* only were payable, and that in the Land of *Canaan* only, and from the *Jews* their Brethren only; but these pretended Tithe-mongers lay Claim to the Tithes of all the World, from all Sorts of Nations, to be due unto themselves the Clergy.

2. THE *Jewish Levites* were a peculiar Tribe, upon whom the Tithes were entailed from one Generation to another; and by a Statute to endure for ever, they were to have no other Inheritance, *Numb.* xviii. 23. but were to rely upon the Lord, who promised to be their Portion: But these, who are

no more of *Levi* his Kindred, than the *Great Turk*, alluring unto their Ways, not much unlike the *Jesuits*, or rather *Romulus*, such of all Nations who are fittest for their Turns, by Tricks and Shifts, seducing whom they can, thro' a Pretence of superstitious Zeal, lay Claim, rob, and run away with the fifth Part of all their Neighbours Goods; wherein notwithstanding they have so little Trust, and less Confidence in God's Promise, which was to be a Portion unto the *Israelitish Levites*, in whom there was no Guile, that they lay up, hoard and purchase, as if they knew their Posterity were Bastards, and not to be provided for, neither by Tithes, nor God's Providence. And,

3. WHEREAS the true *Levites* were to give for an Heave-Offering, unto the High-Priest of the Family of *Aaron*, one Tenth of all their Tithes; our *English Levites*, since their High-Priest and Head, the Pope, was banished out of *England*, pretend to pay (when they cannot avoid it, for they are slow enough in Payments) unto the King, I know not what First-fruits instead thereof; and indeed they made him so far forth their High-Priest to bear their Iniquities, that whatever they have of late been questioned for, they cast upon his Back.

I KNOW the common Scarecrow and Objection which is made against an unsettled Maintenance, *to wit*, That most Men are so backward to all good Duties, especially in Matter of Expence, that if they be not both rated and compelled to pay, they will not pay at all, or not their Shares proportionably; And if there be not both a certain and a round Allowance, such as have hitherto apply'd themselves to study for Service of the Church, will grow discouraged, betake themselves to other Callings, and by this Means the Gospel become contemptible, thro' Want of an able and learned Ministry: To this I answer, that it is evident by Experience,

perience, that such Ministers of the Congregational Way, as have good Parts, and are conscionable in their Callings, altho' they leave every one of their Congregation to contribute as God has enabled them, according to the Purpose of their own Hearts not grudgingly, which was *Paul's Rule*, 2 *Cor.* ix. 5. I say, that such have a Maintenance equal (if not exceeding) to what the Tithes produced in the Bishop's Times, or may do again hereafter, if they were to be continued. *Secondly*, For such as will not put themselves to study for the Churches Service, unless they be encouraged by Maintenance, I say, they are guilty of a Sin surpassing Simony, a nameless Sin, a Sin so infamous, as none were found in the Gospel-Time so vile and desperate to commit it, and give Occasion unto a Law at once expressly both to name it and condemn it: *Simon Magus* his Sin was not so great as theirs, he would have bought the Gifts of the Holy Ghost; these Men would sell them if they had them: *Simon Magus* thought so well of the Holy Ghost, that he would have purchased it with Money, *Acts* viii. 18, 19. But these Sons of Covetousness are so basely fordid, that they will not accept of it *gratis*, unless they may, at the same Time, have a Grant, a Monopoly, to impose the counterfeit Gifts thereof upon the People, at an enhanced, overgrown, excised Rate. *Thirdly*, Such Men do plainly by their Practice declare to all the World, that there is no Difference between the Calling of such Hackney Ministers, and the Calling of a Merchant, Cobler, or any Handicraftsman; but that it is *indifferent*, and *all alike*, free for every one to betake himself to which of them he pleases, and thinks will prove most gainfome and beneficial to him: And *lastly*, if *Tithes* be the Clergies Due by Divine Right, as is determined by that great Casuist of the Assembly, Dr. *Burges*, with sundry others of the same Coat; then are all the Laymen of

of *England* highly guilty of Sacrilege, who withhold them by Impropriations: But if by a meer humane, a Parliamentary Law only, they lay Claim unto them, then may it the better be repealed, since it so much intrenches upon the Subjects Propriety in general, and upon the most tender Consciences of many in particular.

AND when they are admonished to labour with their Hands from *Paul's* Example, rather than be chargeable unto the People, 1 *Theff.* ii. 9. They answer, That though *Paul* did labour, yet it was of his own good Will and Courtesie, there was no Obligation for it, and seek to prove it by those Words of *Paul*, where he says, 1 *Cor.* ix. 6. Have not *Paul* and *Barnabas* a Power, as well as the other Apostles, to forbear working? To which I reply, That *Paul* and *Barnabas* had the same Power to forbear working, which the Brethren had to forbear giving them Maintenance. The one could not be compell'd to work, neither might the other be forced to set Meat and Drink before them, or any others, much less, if they were Persons addicted to Idleness.

BUT I presume it will not be pleaded in *Paul's* Behalf, that he, or any Body else, might lawfully pass their Time in Idleness, especially since we find, that *Paul's* express Command unto the *Thessalonians*, was, that if any would not work, he should not eat, 2 *Theff.* iii. 10. So neither is it pretended, that Christians may lawfully refuse administering to the Necessities of their Brethren, especially, of such as teach them spiritual Things.

2. *Paul* cannot be said to require any other Power of forbearing to work, than what the other Apostles had, or made Use of; and we may not imagine of them, that they were idly given; doubtless they omitted no Opportunity of employing their Time, as might be most advantageous and edifying.

edifying unto the Brethren, and upon this Supposition they were to spend the whole Day, even all their Days, between providing for their Livelihood, their Health, and the Propagation of the Gospel: Now, besides moderate Recreation, Meat and Drink was necessary for keeping them alive, which they must have got by labouring with their Hands, or else have been supplied therewith from the Brethren; if the Brethren did supply *Paul* with Food and Raiment, then might he have forbore to work, as he insinuates *1 Cor. ix. 6.* but then he must have spent so much more Time with labouring in the Word and Doctrine, *1 Tim. v. 17.* for he must not have been idle, as was said before; but by *Paul's* Practice, 'tis evident he might not forbear working, when his receiving Maintenance would have proved chargeable to the Brethren.

BUT to conclude, our Saviour, at erecting of the Gospel-Ministry, lest his Disciples, being ignorant how to demean themselves, should go about to carve their own Maintenance; when he first sent them out to preach the Gospel, he charges them expressly, saying, *Freely you have received, Freely give, Mat. x. 8.* Then, that they might not rest any ways perplexed thro' Fear of Want, as such who might apprehend themselves altogether unprovided of Necessaries, he bids them *eat such Things as were set before them, Luke x. 8.* And that they, and their Successors in the Ministry of the Gospel, might be the better induced to rely upon the same Providence ever after, being returned from their Ministry, he asks them, saying, *When I sent you without Purse and Scrip, and Shoes, wanted ye any Thing? And they said, we wanted nothing, Luke xxii. 35.* whereunto I will only add, that for those who now term themselves *Ministers*, and will not be contented with such Wages and Maintenance as Christ appointed them, it is more than suspicious that

that they have no Share nor Portion, neither in the Apostle's Faith, Ministry nor Gospel.

IN the Year 1646, there was a Treatise printed with the following Title, *The Inditement of Tithes of several criminal Articles, against the unjust Exaction of Tithes, Oblations, Obventions, &c. Exhibited before the Right Honourable Thomas Adams, Lord Major of the City of London, by divers Citizens, upon the 16th of February, An. Dom. 1645.* It begins thus.

WHEREAS divers honest and conscientious Persons, of the Parish of *All-Hallows Barking*, and of *Bride's Parish, London*, being convened before the Lord Major of the said City, for the Non-payment of *Tithes* to their Parish-Parsons; the Lord Major was pleased at last to permit them Freedom for Delivery of their Reasons in Writing, for his better Judgment in the Equity of their Cause, the which they answerably prepared, and presented his Lordship with, upon *Monday the 16th of February, 1645*, his Honour being then, with two Counsellors and a Sergeant at Law, sat for the final Determination of that Matter, betwixt the *Citizens* and the *Parish-Priests*; the Defendant Citizens, having for their Part, *Mr. John Norbury* for Council, to plead the Law of the Land; who after some short Debate, made it appear, that there is no binding Statute, Law, or Act of Parliament at all extant, for the *Payment of Tithes*, or any Thing else to the *Parish-Parsons* of the City of *London*, and that what hath been forced from the Inhabitants, since the 37th Year of King *Hen. the 8th*, hath been against Law, and consequently, that the Lord Major hath no Power to compel any to the Payment thereof, but at his own Peril; whatsoever formerly to the contrary, hath been arbitrarily practised; as by a Copy of a Certificate from the Chappel of the
Rolls

Rolls in Chancery, he made it appear ; a true Copy thereof, I shall present the Reader with.

“ I have made Search among the Records remaining in the Chappel of the Rolls, for the Enrollment of a *Decree*, pretended to be made between the Major, Aldermen and Inhabitants of the City of *London*, and the Clergy of the said City, in the thirty seventh Year of the Reign of our late Sovereign Lord, King *Henry* the 8th, touching the Payment of *Tithes* in *London* ; but I cannot find any such Decree remaining upon Record, as aforesaid.

February the 16th,
Anno 1645.

John Claydon.

To the Right Honourable, the Lord Major
of the City of LONDON.

Reasons given by some of the Inhabitants of All-Hollows Barking Parish, London, demonstrating, that Tithes or inforced Maintenance for Ministers, in the Time of the Gospel, ought not to be paid.

THAT forasmuch as we are convented before your Lordship, for refusing to pay *Tithes* to Mr. *Thomas Clandon*, the Cause being of great Concernment to the generality of this City : We conceive it our Duty, to give true Information to your Honour, of the Reasons and Grounds of our so refusing.

I. WE humbly conceive, that *Tithes* and *Circumcision* were to cease, and have an End at the Coming of our Saviour *Christ* ; because the Law, that is, the *Levitical Law*, whereof *Tithes* is a Branch, was but until *John the Baptist*, but then
to

to receive a Change of the Priesthood and Office of the Law, *Heb. vii. 12.* and where it hath been said, *That Abraham paid Tithes before the Law*, and that thereby it appeareth, that Tithes are not Ceremonial, but Moral, and by Consequence perpetual, and due under the Gospel; We answer, That *Abraham* was also circumcised before the Law, yet the Apostle saith, *if ye be circumcised, Christ shall profit you nothing*: And no Doubt, if any in the Apostle's Times, had been so weak in the Knowledge of the Gospel, as to have been inclinable to the paying of Tithes (whereof there is no Appearance in their Writings) the same Apostle would have said, if ye continue to pay Tithes, ye are under the Law, and not under Grace: You are bound to keep the whole Law, and Christ shall profit you nothing.

2. WE do not know of any Place in the New Testament, that commandeth the Payment of *Tithes*; nor that either the Apostles or Disciples required the same, or pretended a Right thereunto, or unto any other set Maintenance; but on the contrary, (how strange soever it is made by some that would be thought their Successors) *Paul*, the Elect Vessel and Apostle of the *Gentiles*, rejoiceth, in the Presence of his Brethren and Fellow-Labourers, saying, in *Acts xx. 33.* *I have coveted no Man's Silver or Gold, or Raiment*, yea, *vers. 34.* *You yourselves know, that these Hands have ministered to my Necessities, and to them that were with me.* *Vers. 35.* *I have shewed you all Things, how that so labouring, ye ought to support the Weak*; and to remember the Words of the Lord Jesus, how he said, *it is more blessed to give than to receive*: Nevertheless, we have not so learned Christ, to think it a great Thing, that those should reap our *Carnal Things*, that have sown unto us *spiritual Things*; but such unto us is not Mr. *Candon*, who hath sown unto us *Strife, Trouble,*
and

and *Debate*, endeavouring to enforce Maintenance from us, under the Pretence of *Tithes*, (though we do not acknowledge him either our Minister, or a Minister sent of CHRIST) quite contrary to the Example of that blessed Apostle: The *Labourer*, we acknowledge, *is worthy of his Hire*, but we have not contracted any Thing with him; and that those *that preach the Gospel, should live of the Gospel*: nor can we doubt, that those who preach the same in Sincerity and singleness of Heart, shall ever want a competent Livelihood, from such as receive Comfort by their Ministry; but *having Food and Raiment*, they ought therewith to be content: He that hath this World's Goods, and seeth such a Brother lack, and shutteth up his Bowels of Compassion towards him, we conceive the Love of God is not in him; but such unto us is not Mr. *Clandon*; nor is it likely, he is in Want, having two Benefices, &c.

3. *Tithes, Offerings, &c.* being contrary to sound Doctrine, and the *Power of Godliness*, though the Law of the Land should require the same, we conceive our selves, and all others, bound in Conscience, and by our *Covenant*, to endeavour the *Extirpation thereof*; and cannot, without wilful Sin, submit thereunto.

4. WHEREAS it hath been suggested unto your Honour, that we refuse to pay *Tithes*, out of a covetous Desire to hold our Monies: Our known Freeness, on all publick good Occasions, will (we doubt not) perswade the contrary; also, may it please your Lordship to consider, that we are not singular, but that there are Thousands well affected People, in and about this City, of the same Judgment with us, many whereof, are approved Scholars, and learned Divines.

5. WHEREAS it hath been suggested, that the People that refuse to pay *Tithes, &c.* do intend to overthrow all Government, and all Magistracy.

in the City: When your Honour shall call to Mind their constant Obedience (in all lawful Things) to lawful Authority; and with what Firmness they have adhered to the Parliament: We trust it will appear a meer groundless and scandalous Accusation, devised on Purpose to make them odious to Authority.

6. WHEREAS it may be pleaded, That *Tithes* in *London* are due by Law made in Parliament: May it please your Lordship, to take into Consideration, what an over-ruling Hand King *Henry* the 8th, and his *Privy-Council*, did bear over the Parliaments of that Time, which, as it appeareth in other Things, so especially in this of *Tithes*, in *Anno* 37 of his Reign, prevailing so far as to induce that Parliament, to delegate their Power in a Matter of so great Concernment, to the then Arch-Bishop, and other Lords and Knights; Enacting, that whatsoever they should decree therein, should bind all the *Citizens* for ever: An unheard of Strain of Parliament, to confirm (with Reverence we speak it) they know not what. And which to this Day, hath had no other Confirmation: In which Decree, we pray your Lordship to observe the Ignorance and Superstition of that Age, that followed the Steps of their erroneous Predecessors, both in Episcopacy and *Tithes*, without comparing them to the Word of God: Also the unequal Dealings of those entrusted, providing, that great Men's dwelling-Houses should be free from *Tithes*, whereby it may appear, this Decree or Law for *Tithes*, (if it deserve to be so called) is not so valid or reasonable, as is generally conceived; and however ought not to be pleaded, or to stand in Force against the Word and Mind of God. (b)

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(b) Statutes of Princes are no Excuse to transgress God's Law; God cannot be confined, restrained, or concluded by any

*An Answer given to the Lord Major of the
City of London, concerning TITHES, by
NICHOLAS WATERSON.*

Right Honourable,

BEING ordered by your Lordship, to give Answer concerning paying and not paying of Tithes, my humble Answer is, *That as yet I dare not pay them for these Reasons.*

1. BECAUSE the paying of Tithes, is a Submission unto *Jewish* Bondage, the Law of Tithing, being known to be a Part of that ceremonial Law, and Yoke of Bondage, which was laid upon *Israel* after the Flesh, to be observed and born by them in the Land of *Canaan*; and we are now commanded to stand fast in the Liberty, *wherewith* CHRIST hath made us free, and not to be entangled again with the Yoke of Bondage, *Gal. v. 1.*

2. BE-

any Parliament. Let no Man therefore think, that he hath *Right to Tithes*, because the Law of Man hath given them to him; for the *Law of Man* can give him no more than the *Law of God* will permit. The *Law of Man* may give a Man *jus ad Rem*, *Right to a Thing*, as to demand it, or to defend it against another Man; but it cannot give him *jus in re*, *Right in the Thing*, to claim it in *Right* against or without the Law of God. *Right to the Thing* is a lame Title; they must have *Right* in it, that will have a *perfect Title*. The Law may make a Man the *Possessor* or *Enjoyer* of a Thing; but it cannot make him the very *Owner* of the Thing. The Books of the Law themselves confess, * That all Prescriptions, Statutes and Customs against the Law of Nature, or of God, be void, and against Justice.

* Doctor and Student, Dial. 1. Ch. 2. *The Law of Nature specially consider'd, which is also called the Law of Reason, pertaineth only to Creatures reasonable, that is, Man, which is created to the Image of God. And this Law ought to be kept as well among Jews and Gentiles, as among Christian Men. And therefore against this Law, Prescription, Statute nor Custom, may not prevail: And if any be brought in against it, they be not Prescriptions, Statutes nor Customs, but Things void and against Justice.*

2. BECAUSE the requiring, and paying of Tithes, is an implicit *denying that Christ is come in the Flesh*. For if there be not a Change of the Law, then the Priesthood of *Aaron* remains, *Heb. vii. 12*. And if that Priesthood remain, then *CHRIST* is not yet come. The Law was our *School-Master unto Christ, and after that Faith is come, we are no longer under a School-Master, Gal. iii. 24, 25*. If we must still be in Bondage under the Elements of the World, then God hath not yet sent forth his Son; as appears in *Gal. iv. 3, 4, 5*.

3. BECAUSE the Doctrine, that Tithes ought to be paid to the Priests, or Presbyters, or Clergy, is a popish Doctrine, inasmuch as it hath been devised and maintained by the Pope and his Prelates, and is contrary to the Doctrine of the Scriptures; and those Congregations, which are called *Reformed Churches*, are known to oppose the Pope and the Prelates, by the Authority of the Scriptures, in this their false Doctrine.

4. BECAUSE the Payment of Tithes, or any Thing in Lieu of Tithes, doth and will support Popish and Prelatical Iniquity; this being the strongest Motive to the Priests (or Presbyters) to hold up *Babylae*, by jumbling the World and the Church together, and so to dishonour God, and do Service unto *Satan*, keeping God's People still in *Babylon*; because they hope, by this Means, to have larger Maintenance; compelling all those whom they call the Church, to pay Tithes unto them.

Reasons given by Thomas Bennet, another of the said Parish, concerning the unjust Exaction of Tithes.

To the Right Honourable Thomas Adams, Lord Mayor of the City of London, Feb. 16th An. Dom. 1645.
Right Honourable,

WHEREAS I have been these thirteen Times commanded before your Honour, and
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your Lordship's Predecessors, for the Denial of Tithes, and now at length you have been pleased to permit me Freedom to deliver in mine *Answer* in Writing: I have therefore presumed, from your Lordship's Permission, to present your Honour with these ensuing *Reasons*.

1. *My Lord*, If Tithes under the Gospel be an Ordinance, then they must be of an Evangelical Institution, even from the Command of Christ, as well as other Gospel Ordinances: But we find no other Ordinance for the Exaction of Tithes now, but a bare *Mosaical* Ordinance. Therefore Tithes are no Gospel Ordinance.

2. *My Lord*, Tithes were never ordained, but for the Wages of Typical Services; therefore to continue the Wages of such Work, cannot in Equity be without the Continuance of the Work: Which is a flat Denial of *Christ's Coming in the Flesh*.

3. *My Lord*, Those that had the Commandment for Tithes, were only to receive them of their Brethren, *Heb. vii. 5.* that is, of the other twelve Tribes; therefore not of the *Gentiles*; nor were *Gentiles*, by that Command, bound thereto; and if not in *Moses* his Time, much less now.

4. *My Lord*, They were imposed upon the Land of *Canaan*, therefore not upon *England* or *English-Men*, being no Part of *Canaan*, or the People any of the twelve Tribes. And the *Jews* to this Day terminate the Equity of Tithes to their own Land, as *Mr. Selden*, a Member of the House of Commons, writeth in his History of Tithes.

5. *My Lord*, When the Law of Tithes was in Force, it was only of the Seed of the Ground, the Fruit of the Trees, and of four-footed Beasts, *Levit. xxvii. 30, 32*: Therefore the Tithe of our *Pullen*, as of *Goslings*, *Chickens*, &c. which have but two Feet apiece, and cannot be reputed to be of the Herd or Flock, that passeth under the Rod; nor any

any Tithe of Houses, which neither grow, nor bring forth Seed, can be concluded from the Law of Tithes.

6. *My Lord,* The *Levites* paid the Tenth of their Tithes to *Aaron* the Priest, *Num.* xviii. 26, 27, 28, 29. yea, the Fatherless, the Widow and Stranger, were ranked with the *Levite*, for the *Maintenance of Tithes*, *Deut.* xiv. 29. xxvi. 12. and were to eat, and to be satisfied therewith: Therefore from their Example, our Clergy unjustly exact the whole Tithes to themselves.

7. THE Laity offered the First-fruits unto the Priests, in Ears of Wheat, Barley, &c. in what Quantity the Owner would, *Exod.* xxiii. 19. *Deut.* xviii. 4. Therefore from their Example, there can be no Exaction of this or that Quantity.

8. *My Lord,* They as well, from the Example of *Moses* his Priests, may take Tithe of our Children; for the First-born, whether of Man or Beast, fell to the Priest. *Numb.* xviii. 15. So that if our Clergy will have those Priests to be their Example, then every Male that first openeth the Matrix, is due unto the Clergy. And I suppose, they would exact it, had they but Power to impose *Redemption Money* upon them, the Value of five *Shekels*, after the *Shekel* of the Sanctuary, which is twenty *Gerabs*, upon every First-born Male, as *Moses's* Priests had.

9. *My Lord,* When the Law of Tithes was in Force, there was no Compulsion used for them, nor did *Moses* give any Commission to the *Levites* to exact them by Force: The Lord only sent his Prophets to complain against them that did not pay them. *Mal.* iii. 9, 10. *Neb.* xiii. 10, 11, 12.

10. *My Lord,* The Priesthood and Commandment is changed, and One of another Tribe, even of the Tribe of *Judah*, of which *Moses* spake nothing concerning the Priesthood; no not so much as to receive Tithes, *Heb.* vii. 11. Therefore to speak

that of the Ministry of our Lord, which sprung from *Judab*, which was spoken of the Tribe of *Aaron*, whereof Tithes were one main Thing, is to make our Lord to be of the Tribe of *Aaron*.

11. *My Lord*, All the Supply, which the Gospel ordaineth, is a First-day Collection, or voluntary Contribution to the Necessities of the poor Saints, 1 *Cor.* xvi. 2. 2 *Cor.* ix. 1, 5, 7.

12. *My Lord*, An Elder of a Church cannot lay Claim to any Supply barely by Virtue of Eldership, no more than a Saint by Virtue of Saintship, but both simply as poor Saints. For Evangelical Supply was only devoted to Necessity: The *poor Man's Box*, was the Inheritance or Portion of the poor Saints, whether Elders, or other Members.

13. It is to be acknowledged as a Gift or Courtesy, (i) 2 *Cor.* viii. 4. *Phil.* iv. 17. But to exact by Compulsion

(i) As the Gospel it self in its own Nature, is *equally free* in all Ages, and the Ministers of the Gospel are so too, in Respect of its Publication (so as not to preach the Gospel because humane Laws command, nor to forbear to preach it because humane Laws forbid) so ought the Gospel Maintenance also, or the Maintenance of this Gospel Ministry, to be in all Ages *equally free*; else it is not suitable to the Ministry, and the Gospel to which it appertains. And whensoever it *ceases to be free*, by the interposed Injunctions of penal Laws, it thenceforth *ceases to be a Gospel-Maintenance*. Now if we should suppose *Tithes* a lawful Maintenance, and that the Donation of them was an Act of pure Liberality and perfect Freedom in the first Donors (which universally consider'd, is far enough from Probability) and upon that Supposition should admit Tithes to have been then a free Maintenance; yet the settling of them as a standing Maintenance, and compelling after Ages by *Penalties* to pay them, makes them *not now a free Maintenance*, if they had been so then; but the true *Gospel Maintenance* ought to be *free* in its *Continuation*, as well as in its *Beginning*; and *Christians* now may justly expect as much Christian Liberty and Freedom, as others in former Ages had, which *they* do not enjoy, who now stand bound to the Performance of that which *others* were at *Liberty* to.

Compulsion, is contrary to the Nature of Courtesy; that were of Violence, not of Gift.

14. ALL that Christ ordained the Twelve, and the Seventy, which he sent out, to take, was but *to eat and drink such Things as were set before them*; making that to be all his Labourers *should account themselves worthy of*. Luke x. 7, 8.

15. *My Lord*, It is unreasonable for a Shepherd to exact the Milk of that Flock, which he doth not feed; for the Flock which he feedeth, is the Flock of whose Milk he must eat, 1 Cor. ix. 7. therefore the Clergy-Shepherds may not exact the Milk of the Flocks that are not fed by them.

16. *My Lord*, No Payment of Tithes was ordained in Christian Churches (as *Selden* observeth) till the general Council at *Lateran*, Anno 1215. Therefore the ORDINANCE of Tithes under the Gospel, deriving its Being and Institution, from the Injunctions of the *Pope* and his Council, doth subject us to the Dictates of the See of *Rome*, against which, we are all engaged by our former Protestations, and by our solemn League and Covenant. And tho' these Tithes should be granted not to be the *Root*, yet they cannot but be concluded to be a *main Branch* of Popery, being not of Christ's, but of the Pope's own Ordinance; therefore by our Covenant to be extirpated.

By what is produced, the Reader may gather how great the Uneasiness was, which the Ordinance of Parliament respecting Tithes, Oblations, &c. occasion'd; and this Uneasiness increasing more and more, by the Sufferings of many in divers Parts of the Nation, who could not in Conscience comply with that Ordinance; at last *John Milton* undertook their Defence, in a Treatise intitl'd, *Considerations touching the likeliest Means to remove Hirelings out of the Church*. Wherein is also discours'd of Tithes,

Church-Fees, Church-Revenues; and whether any Maintenance of Ministers can be settled by Law. This he address'd to the Parliament of the *Commonwealth of England*, with the *Dominions* thereof: Printed and publish'd in the Year 1659. Some of his Arguments against Tithes, are as follow.

‘ WHAT Recompence ought to be given to
 ‘ Church-Ministers God hath answerably ordain’d,
 ‘ according to that Difference which he hath ma-
 ‘ nifestly put between those His two great Dispen-
 ‘ sations, the *Law* and the *Gospel*. Under the *Law*
 ‘ he gave them Tithes; under the *Gospel*, having
 ‘ left all Things in his Church to Charity and
 ‘ Christian Freedom, he hath given them only what
 ‘ is justly given them; *That*, as well under the
 ‘ *Gospel* as under the *Law*, say our *English* Divines,
 ‘ and they only of all Protestants, is Tithes; and
 ‘ they say true, if any Man be so minded to give
 ‘ them of his own the Tenth or Twentieth. But
 ‘ that the Law therefore of Tithes is in Force un-
 ‘ der the *Gospel*, all other Protestant Divines,
 ‘ though equally concern’d, yet constantly deny.
 ‘ For altho’ Hire to the Labourer be of moral and
 ‘ perpetual Right, yet that special Kind of Hire,
 ‘ the Tenth, can be of no Right or Necessity, but
 ‘ to that special Labour for which God ordained
 ‘ it. The special Labour was the *Levitical* and
 ‘ *Ceremonial* Service of the Tabernacle, *Num.* xviii.
 ‘ 21, 31. which is now abolished. The Right
 ‘ therefore of that special Hire must needs be withal
 ‘ abolished, as being also *Ceremonial*. That Tithes
 ‘ were *Ceremonial* is plain; not being given to the
 ‘ *Levites* till they had been first offer’d an Heave-
 ‘ Offering to the Lord, *vers.* 24, 28. He then who
 ‘ by that Law brings Tithes into the *Gospel*, of
 ‘ Necessity brings in withal a Sacrifice, and an
 ‘ Altar; without which Tithes by that Law were
 ‘ un sanctified and polluted, *vers.* 32. and therefore
 ‘ never thought on in the first Christian Times,
 ‘ till

‘ till *Coremonies, Altars, Oblations*, by an ancienter
 ‘ Corruption, were brought back long before:
 ‘ And yet the *Jews*, ever since their Temple was
 ‘ destroy’d, though they have *Rabbies* and *Teach-*
 ‘ *ers* of their Law, yet pay no Tithes, as having
 ‘ no *Levites* to whom, no Temple where to pay
 ‘ them, nor Altar whereon to hallow them;
 ‘ which argues, that the *Jews* themselves never
 ‘ thought Tithes moral, but ceremonial only.
 ‘ That Christians therefore should take them up,
 ‘ when *Jews* have laid them down, must needs be
 ‘ very absurd and preposterous.

‘ THIS is so apparent to the Reformed Divines of
 ‘ other Countries, that when any of ours hath at-
 ‘ tempted in *Latin* to maintain this Argùment of
 ‘ Tithes, tho’ a Man would think they might suf-
 ‘ fer him without Opposition, in a Point equally
 ‘ tending to the Advantage of all Ministers, yet
 ‘ they forbear not to oppose him, as in a Doctrine
 ‘ not fit to pass unoppos’d under the Gospel.
 ‘ Which shews the Modesty, the Contentedness of
 ‘ those Foreign Pastors, with the Maintenance giv-
 ‘ en them; their Sincerity also in the Truth, tho’
 ‘ less gainful; and the Avarice of ours, who, thro’
 ‘ the Love of their old Papistical Tithes, consider
 ‘ not the weak Arguments, or rather Conjectures
 ‘ and Surmises which they bring to defend them.

‘ CERTAINLY, if Christ or his Apostles, had
 ‘ approv’d of Tithes, they would have either by
 ‘ Writing, or Tradition, recommended them to
 ‘ the Church: And that soon would have appear’d
 ‘ in the Practice of those Primitive, and the next
 ‘ Ages; but for the first three Hundred Years
 ‘ and more, in all the Ecclesiastical Story, I find no
 ‘ such Doctrine or Example: Tho’ *Error*, by that
 ‘ Time, had brought back again *Priests, Altars,*
 ‘ and *Oblations*; and in many other Points of Re-
 ‘ ligion, had miserably Judaiz’d the Church. So
 ‘ that

‘ that the Defenders of Tithes, after a long Pomp,
 ‘ and tedious Preparation out of Heathen Authors,
 ‘ telling us, that Tithes were paid to *Hercules* and
 ‘ *Apollo*, which perhaps was imitated from the
 ‘ *Jews*, and as it were bespeaking our Expectation,
 ‘ that they will abound much more with Authori-
 ‘ ties out of Christian Story, having nothing of
 ‘ general Approbation to begin with from the first
 ‘ three or four Ages, but that which abundantly
 ‘ serves to the Confutation of their Tithes ; while
 ‘ they confess that Church-Men in those Ages liv’d
 ‘ meerly upon Free-will Offerings. Neither can
 ‘ they say, that Tithes were not then paid, for
 ‘ Want of a Civil Magistrate to ordain them, for
 ‘ Christians had then also Lands, and might give
 ‘ out of them what they pleas’d ; and yet of Tithes
 ‘ then given, we find no Mention. And the first
 ‘ Christian Emperors, who did all Things as Bi-
 ‘ shops advis’d them, supply’d what was wanting
 ‘ to the *Clergy*, not out of Tithes, which were
 ‘ never mention’d, but out of their own Imperial
 ‘ Revenues, as is manifest in *Eusebius*, *Theodoret*
 ‘ and *Sozomen*, from *Constantine* to *Arcadius*.
 ‘ Hence those Ancientest Reformed Churches of
 ‘ the *Waldenses*, if they rather continu’d not pure
 ‘ since the Apostles, deny’d that Tithes were to
 ‘ be given, or that they were ever given in the
 ‘ Primitive Church, as appears by an ancient
 ‘ Tractate inserted in the *Bohemian* History.

‘ Thus far hath the Church been always, whe-
 ‘ ther in her Prime, or in her ancientest Reforma-
 ‘ tion, from the approving of Tithes ; nor without
 ‘ Reason ; for they might easily perceive that
 ‘ Tithes were fitted to the *Jews* only, a National-
 ‘ Church of many incompleat Synagogues, uniting
 ‘ the Accomplishment of Divine Worship in one
 ‘ Temple ; and the *Levites* there had their Tithes
 ‘ paid, where they did their Bodily Work, to
 ‘ which

‘ which a particular Tribe was set apart by Divine
 ‘ Appointment, not by the People’s Election.
 ‘ But the Christian Church is universal, not ty’d
 ‘ to Nation, Diocess, or Parish, but consisting of
 ‘ many particular Churches compleat in themselves,
 ‘ gather’d, not by Compulsion, or the Accident
 ‘ of dwelling nigh together, but by free Consent,
 ‘ chusing both their particular Church, and their
 ‘ Church-Officers ; whereas if Tithes be set up, all
 ‘ these Christian Privileges will be disturb’d, and
 ‘ soon lost, and with them Christian Liberty.

‘ THE first Authority which our Adversaries
 ‘ bring, after those fabulous Apostolick Canons,
 ‘ which they dare not insist upon, is a provincial
 ‘ Council held at *Cullen*, where they voted Tithes
 ‘ to be *God’s Rent*, in the Year 356 ; at the same
 ‘ Time, perhaps, when the three Kings reign’d
 ‘ there, and of like Authority. For to what Pur-
 ‘ pose do they bring these trivial Testimonies, by
 ‘ which they might as well prove Altars, Candles
 ‘ at Noon, and the greatest Part of those Super-
 ‘ stitions, fetch’d from *Paganism* or *Jewism*, which
 ‘ the *Papist*, inveigl’d by this fond Argument of
 ‘ Antiquity, retains to this Day ? To what Pur-
 ‘ pose those Decrees of I know not what Bishops,
 ‘ to a Parliament and People who have thrown out
 ‘ both Bishops and Altars, and promis’d all Re-
 ‘ formation by the Word of God ? And that
 ‘ *Altars* brought Tithes hither, as one Corruption
 ‘ begot another, is evident by one of those Questi-
 ‘ ons which the Monk *Austin* propounded to the
 ‘ Pope, *Concerning those Things, which by Offerings*
 ‘ *of the Faithful came to the Altar*, as *Beda* writes,
 ‘ *L. i. c. 27.* If then by these Testimonies we must
 ‘ have Tithes continued, we must again have *Altars*.

‘ OF Fathers, by Custom so call’d, they quote
 ‘ *Ambrose*, *Augustine*, and some other Ceremonial
 ‘ Doctors of the same Leaven ; whose Assertion
 ‘ without

without pertinent Scripture, no Reformed Church can admit. And what they vouch, is founded on the Law of *Moses*, with which, every where pitifully mistaken, they again incorporate the Gospel; as did the rest also of those Titular Fathers, perhaps an Age or two before them, by many Rites and Ceremonies, both *Jewish* and *Heathenish* introduc'd; whereby thinking to gain all, they lost all: And instead of winning *Jews* and *Pagans*, to be Christians, by too much condescending, they turn'd Christians into *Jews* and *Pagans*. To heap such unconvincing Citations as these in Religion, whereof the Scripture only is our Rule, argues not much Learning nor Judgment, but the lost Labour of much unprofitable Reading.

THEY produce next, the Ancient Constitutions of this Land, *Saxon Laws*, Edicts of Kings, and their Councils, from *Atbelstone*, in the Year 928, that Tithes by Statute were paid: and might produce from *Ina*, above 200 Years before, that *Romescot*, or *Peter's Penny*, was by a good Statute-Law paid to the Pope, from 725, and almost as long continu'd. And who knows not that this Law of Tithes, was enacted by those Kings and Barons, upon the Opinion they had of their Divine Right, as the very Words import of *Edward the Confessor*, in the Close of that Law: *For so blessed Austin preach'd and taught?* meaning the Monk, who first brought the *Romish* Religion into *England* from *Gregory* the Pope. And by the Way I add, that by these Laws, imitating the Law of *Moses*, the third Part of Tithes only was the Priest's Due, the other two were appointed for the Poor, and to adorn or repair Churches; as the Canons of *Egbert* and *Elfrick* witness, *Concil. Brit.* If then these Laws were founded upon the Opinion of
 Divine

* Divine Authority, and that Authority be found
 * mistaken and erroneous, as hath been fully ma-
 * nifested, it follows, that those Laws fall of them-
 * selves, with their false Foundations. But with
 * what Face of Conscience can they alledge *Moses*,
 * or these Laws for Tithes, as they now enjoy, or
 * exact them; whereof *Moses* ordains the Owner,
 * as we heard before, the Stranger, the Fatherless
 * and the Widow, Partakers with the *Levite*; and
 * these Fathers which they cite, and these, though
 * *Romish* rather than *English* Laws, allotted both
 * to Priest and Bishop the third Part only.

ANOTHER Shift they have to plead, that
 * Tithes may be moral as well as the Sabbath, a
 * Tenth of Fruits, as well as a Seventh of Days.
 * I answer, that the Prelates, who urge this Ar-
 * gument, have least Reason to use it; denying
 * Morality in the Sabbath, and therein better a-
 * greeing with Reformed Churches abroad than
 * the rest of our Divines. As therefore the Se-
 * venth Day is not moral, but a convenient Re-
 * course of Worship in fit Season, whether Seventh
 * or other Number; so neither is the Tenth of our
 * Goods, but only a convenient Subsistence mo-
 * rally due to Ministers.

* THE last, and lowest Sort of their Arguments,
 * that Men purchas'd not their Tithe with their
 * Land, and such like Petty-Foggery, I omit, as
 * refuted sufficiently by others. (k) I omit also
 * their violent and irreligious Exactions, related no
 * less credibly: Their seizing of Pots and Pans
 * from the Poor, who have as good Right to
 * Tithes as they; from some, the very Beds; their
 * suing

(k) 'Tis not unlikely but that Milton had an Eye in this Place
 to our Author, who in Page 51 has answered those Arguments or
 Objections.

' suing and imprisoning, worse than when the Ca-
 ' non Law was in Force: worse than when those
 ' wicked Sons of *Eli* were Priests, whose Manner
 ' was thus to seize their pretended Priestly-Due by
 ' Force, 1 *Sam.* ii. 12. &c. *Whereby Men abhor'd*
 ' *the Offerings of the Lord*; and it may be fear'd,
 ' that many will as much abhor the Gospel, if
 ' such Violence as this be suffer'd in her Ministers;
 ' and in that which they also pretend to be the Of-
 ' fering of the Lord. For those Sons of *Belial*, with-
 ' in some Limits made Seizure of what they knew
 ' was their own by an undoubted Law; but these,
 ' from whom there is no Sanctuary, seize out of
 ' Men's Grounds, out of Men's Houses their o-
 ' ther Goods, of double, sometimes of treble Va-
 ' lue, for that, which did not Covetousness and
 ' Rapine blind them, they know to be not their
 ' own by the Gospel which they preach. Of some
 ' more tolerable than these, thus severely God hath
 ' spoken, *Esa.* lvi. 10. &c. *They are greedy Dogs;*
 ' *they all look to their own Way, every one for his*
 ' *Gain, from his Quarter.*

' WITH what Anger then will he judge them
 ' who stand not looking, but under Colour of a
 ' Divine Right, fetch by Force that which is not
 ' their own, taking his Name not in vain, but in
 ' Violence? Not content, as *Gebazi* was, to make
 ' a cunning, but a constrain'd Advantage of what
 ' their Master bids them give freely; how can
 ' they but return smitten, worse than that shark-
 ' ing Minister, with a spiritual Leprosy? And
 ' yet they cry out *Sacrilege*, that Men will not be
 ' gull'd and baff'd the Tenth of their Estates, by
 ' giving Credit to frivolous Pretences of Divine
 ' Right.

' WHERE did God ever clearly declare to all
 ' Nations, or in all Lands (and none but Fools
 ' part with their Estates, without clearest Evi-
 ' dence?

' dence, on bare Supposals and Presumptions of
 ' them who are the Gainers thereby) that He re-
 ' quir'd the Tenth as due to Him or His Son per-
 ' petually, and in all Places? Where did he de-
 ' mand it, that we might certainly know, as in
 ' all Claims of Temporal Right is just and reason-
 ' able? Or if demanded, where did he assign it,
 ' or by what evident Conveyance, to Ministers?
 ' Unless they can demonstrate this by more than
 ' Conjectures, their Title can be no better to
 ' Tithes, than the Title of *Gebazi* was to those
 ' Things, which by abusing his Master's Name,
 ' he rook'd from *Naaman*. Much less, where did
 ' He command that Tithes should be fetch'd by
 ' Force, where left not, under the Gospel; what-
 ' ever his Right was to the Free-will Offerings of
 ' Men? Which is the greater *Sacrilege*, to belie
 ' Divine Authority, to make the Name of Christ
 ' accessary to Violence, and robbing Him of the
 ' very Honour which He aim'd at in bestowing
 ' freely the Gospel, to commit *Simony* and *Rapine*,
 ' both secular and Ecclesiastical; or on the other
 ' Side, not to give up the Tenth of Civil Right
 ' and Propriety, to the Tricks and Impostures of
 ' Clergy-men, contriv'd with all the Art and Ar-
 ' gument that their Bellies can invent or suggest;
 ' yet so ridiculous, and presuming on the People's
 ' Dulness or Superstition, as to think they prove
 ' the Divine Right of their Maintenance, by *Abram*
 ' paying Tithes to *Melchisedec*, when as *Melchise-*
 ' *dec*, in that Passage, rather gave Maintenance
 ' to *Abram*; in whom all, both Priests and Mi-
 ' nisters, as well as Laymen, paid Tithes, not
 ' receiv'd them.

' THE next Thing to be considered in the Main-
 ' tenance of Ministers is, by whom it should be
 ' given. Wherein though the Light of Reason
 ' might sufficiently inform us, it will be best to
 ' consult

' consult the Scripture: *Gal. vi. 6. Let him that is*
 ' *taught in the Word, communicate to him that teach-*
 ' *eth, in all good Things, that is to say, in all man-*
 ' *ner of Gratitude to his Ability. 1 Cor. ix. 11.*
 ' *If we have sown unto you Spiritual Things, is it a*
 ' *great Matter if we reap your Carnal Things? To*
 ' *whom therefore hath not been sown, from him*
 ' *wherefore should be reaped? 1 Tim. v. 17. Let*
 ' *the Elders that rule well, be counted worthy of*
 ' *double Honour, especially they who labour in the*
 ' *Word and Doctrine.* By these Places we see, that
 ' Recompence was given either by every one in
 ' particular who had been instructed, or by them
 ' all in common, brought into the Church-Trea-
 ' sure, and distributed to the Ministers according
 ' to their several Labours, and that was judged
 ' either by some extraordinary Person, as *Timothy*,
 ' who by the Apostle was then left Evangelist at
 ' *Ephesus*, *2 Tim. iv. 5.* or by some to whom the
 ' Church deputed that Care.

' THIS is so agreeable to Reason, and so clear,
 ' that one may perceive what Iniquity and Vio-
 ' lence hath prevailed since in the Church, where-
 ' by it hath been so ordered, that they also shall
 ' be compelled to recompence the Parochial Mi-
 ' nister, who neither chose him for their Teacher,
 ' nor have received Instruction from him, as be-
 ' ing either insufficient, or not resident, or infe-
 ' rior to whom they follow; wherein to bar them
 ' their Choice, is to violate Christian Liberty.

' OUR Law-Books testify, that before the Coun-
 ' cil at *Lateran*, in the Year 1179, and the Fifth
 ' of our *Hen. 2.* or rather before a Decretal Epi-
 ' stle of Pope *Innocent* the Third, about 1200, and
 ' the first of King *John*, any Man might have given
 ' his Tithes to what Spiritual Person he would. And
 ' as the Lord *Coke* notes on that Place, *Instit.*
 ' Part 2. That this Decretal bound not the Subjects
 ' of

of this Realm, but, as it seemed just and reasonable. The Pope took his Reason rightly from the above cited Place, 1 Cor. ix. 11. but fallſly ſuppoſ'd every one to be instructed by his Parish-Priest.

‘ WHETHER this were then first so decreed, or rather long before, as may be seen by the Laws of *Edgar* and *Canute*, that Tithes were to be paid, not to whom he would that paid them, but to the Cathedral-Church, or the Parish-Priest, it imports not; since the Reason which they themselves bring, built on false Suppositions, becomes alike infirm and absurd, that he should reap from me, who sows not to me; be the Cause either his Defect, or my free Choice. But here it will be readily objected, What if they who are to be instructed, be not able to maintain a Minister, as in many Villages? I answer, that the Scripture shews in many Places what ought to be done herein. First, I offer it to the Reason of any Man, whether he thinks the Knowledge of the Christian Religion harder than any other Art or Science to obtain. I suppose he will grant that it is far easier, both of it self, and in Regard of God's *assisting Spirit*, not particularly promised us to the Attainment of any other Knowledge, but of this only: Since it was preached as well to the Shepherds of *Bethlem* by Angels, as to the Eastern Wisemen by that Star; and our Saviour declares himself anointed to preach the Gospel to the Poor, *Luke* iv. 18. then surely to their Capacity. They who after him first taught it, were otherwise unlearned Men: They who, before *Hus* and *Luther*, first reformed it, were for the Meanness of their Condition, called, *The poor Men of Lions*; and in *Flanders* at this Day, *les Gueus*, which is to say *Beggars*. Therefore are the Scriptures translated

‘ into every vulgar Tongue, as being held in main
 ‘ Matters of Belief and Salvation, plain and easy
 ‘ to the poorest; and such, no less than their
 ‘ Teachers, have the *Spirit* to guide them in all
 ‘ Truth, *John* xiv. 26. and xvi. 13.

‘ SEEING then that the Christian Religion may
 ‘ be so easily attained, and by meanest Capacities,
 ‘ it cannot be much difficult to find Ways, both
 ‘ how the Poor, yea, all Men may be soon taught
 ‘ what is to be known of Christianity, and they
 ‘ who teach them recompenced. ‘ *First*, if Mini-
 ‘ sters of their own Accord, who pretend that
 ‘ they are called and sent to preach the Gospel,
 ‘ those who have no particular Flock, would imi-
 ‘ tate our Saviour and his Disciples, who went
 ‘ preaching through the Villages, not only thro’
 ‘ the Cities. *Mat.* ix. 35. *Mark* vi. 6. *Luke* xiii.
 ‘ 22. *Acts* viii. 25. and there preached to the
 ‘ Poor as well as to the Rich, looking for no Re-
 ‘ compence but in Heaven; *John* iv. 35, 36.
 ‘ *Look on the Fields; for they are white already to*
 ‘ *Harvest: And he that reapeth, receiveth Wages,*
 ‘ *and gathereth Fruit unto Life Eternal.* [This was
 ‘ their Wages.] But they soon will reply, we
 ‘ our selves have not wherewithal; who shall
 ‘ bear the Charges of our Journey? To whom it
 ‘ may as soon be answered, that in Likelihood
 ‘ they are not poorer than they who did thus;
 ‘ and if they have not the same Faith which those
 ‘ Disciples had, to trust in God and the Promise
 ‘ of Christ for their Maintenance, as they did,
 ‘ and yet intrude into the Ministry without any
 ‘ Livelihood of their own, they cast themselves
 ‘ into a miserable Hazard or Temptation, and
 ‘ oft-times into a more miserable Necessity, ei-
 ‘ ther to starve, or to please their Pay-Masters,
 ‘ rather than God: And give Men just Cause to
 ‘ suspect, that they came neither called, nor sent
 ‘ from

from above to preach the Word, but from below, by the Instinct of their own Hunger to feed upon the Church.

St. Paul, though born of no mean Parents, a free Citizen of the *Roman* Empire, so little did his Trade debase him, that it rather enabled him to use that (l) Magnanimity of Preaching the Gospel through *Asia* and *Europe* at his own Charges: Thus those Preachers among the *Waldenses*, the ancient Stock of our Reformation, without these Helps which I speak of, bred up themselves in Trades, and especially in *Physick* and *Surgery*, as well as in the Study of Scripture (which is the only true Theology) that they might be no Burden to the Church; and by the Example of Christ, might cure both Soul and Body; through Industry, joining that to their Ministry, which he join'd to his by Gift of the Spirit. Thus relates *Peter Gilles* in his History of the *Waldenses* in *Piedmont*. But our Ministers think Scorn to use a Trade, and count it the Reproach of this Age, that Tradesmen preach the Gospel. It were to be wish'd they were all Tradesmen; they would not then so many of them, for Want of another Trade, make a Trade of their Preaching: And yet they clamour that Tradesmen preach; and yet they preach, while they themselves are the worst Tradesmen of all. As for *Church-Endowments* and *Possessions*, I meet with none considerable before *Constantine*, but the Houses and Gardens,

H 2

where

(l) What Milton calls *Magnanimity of Preaching*, John Locke takes to be the Glorifying which the Apostle speaks of in 1 Cor. ix. 15. For it were better for me to die, than that any Man should make my Glorifying void. John Locke's Paraphrase, For I had rather perish for Want, than be depriv'd of what I glory in, viz. Preaching the Gospel freely.

' where they met, and the Places of Burial: And
 ' I perswade me, that from them the ancient *Wal-*
 ' *denfes*, whom deservedly I cite so often, held,
 ' *That to endow Churches is an evil Thing*; and that
 ' the Church then fell off and turn'd Whore sitting
 ' on that Beast in the *Revelation*, when under
 ' Pope *Silvester* she receiv'd those temporal Dona-
 ' tions. So the forecited Tractate of their Do-
 ' ctrine testifies.

' THIS also their own Traditions of that hea-
 ' venly Voice witnessed, and some of the ancient
 ' Fathers then living foresaw and deplored. And
 ' indeed, how could these Endowments thrive
 ' better with the Church, being unjustly taken
 ' by those Emperors, without Suffrage of the
 ' People, out of the Tributes and publick Lands
 ' of each City, whereby the People became liable
 ' to be oppressed with other Taxes. Being there-
 ' fore given for the most Part by Kings and o-
 ' ther publick Persons, and so likeliest out of the
 ' Publick, and if without the People's Consent,
 ' unjustly; however to publick Ends of much
 ' Concernment to the Good or Evil of a Common-
 ' Wealth, and in that Regard made publick,
 ' though given by private Persons; or which is
 ' worse, given, as the Clergy then perswaded
 ' Men, for their Soul's Health, a pious Gift, but
 ' as the Truth was, oft-times a Bribe to God, or
 ' to Christ for Absolution, as they were then
 ' taught, from Murders, Adulteries, and other
 ' heinous Crimes; what shall be found heretofore
 ' given by Kings or Princes out of the Publick,
 ' may justly by the Magistrate be recalled and re-
 ' appropriated to the Civil Revenue: What by
 ' private or publick Persons out of their own, the
 ' Price of Blood or Lust, or to some such Purgato-
 ' rious or Superstitious Uses, not only may, but
 ' ought to be taken off from Christ, as a foul
 ' Dishonour

‘ Dishonour laid upon Him ; or not impiously
 ‘ given, nor in particular to any one, but in ge-
 ‘ neral to the Church’s Good, may be converted
 ‘ to that Use, which shall be judg’d more directly
 ‘ to that general End. Thus did the Princes and
 ‘ Cities of *Germany* in the first Reformation ; and
 ‘ defended their so doing by many Reasons, which
 ‘ are set down at large in *Sleidan*, l. 6. Anno
 ‘ 1526, and l. 11. Anno 1537, and l. 13. Anno
 ‘ 1540. But that the Magistrate either out of
 ‘ that Church-Revenue which remains yet in his
 ‘ Hand, or establishing any other Maintenance
 ‘ instead of Tithe, should take into his own Pow-
 ‘ er the Stipendiary Maintenance of Church-Mini-
 ‘ sters, or compel it by Law, can stand neither
 ‘ with the *People’s Right*, nor with *Christian Li-*
 ‘ *berty*, but would suspend the Church wholly up-
 ‘ on the State, and turn her Ministers into State-
 ‘ Pensioners.

‘ But to proceed farther in the Truth yet more
 ‘ freely ; seeing the Christian-Church is not Nati-
 ‘ onal, but consisting of many particular Congre-
 ‘ gations, subject to many Changes, as well thro’
 ‘ Civil Accidents as through Schism and various
 ‘ Opinions, not to be decided by any outward
 ‘ Judge, being Matters of Conscience, whereby
 ‘ these pretended Church-Revenues, as they have
 ‘ been ever, so are like to continue endless Matter
 ‘ of Dissention both between the Church and Ma-
 ‘ gistrate, and the Churches among themselves,
 ‘ there will be found no better Remedy to these
 ‘ Evils, otherwise incurable, than by the incor-
 ‘ ruptest Counsel of those *Waldenses*, our first Re-
 ‘ formers, to remove them as a Pest, an Apple of
 ‘ Discord in the Church, (for what else can be the
 ‘ Effect of Riches, and the Snare of Money in
 ‘ Religion ?) and to convert them to those more
 ‘ profitable Uses above expressed, or other such.

‘ as shall be judged most necessary ; considering
 ‘ that the Church of Christ was founded in Poverty rather than in Revenues, stood purest,
 ‘ and prospered best without them, receiv’d them
 ‘ unlawfully from them, who both erroneously
 ‘ and unjustly, sometimes impiously, gave them,
 ‘ and so justly was ensnared and corrupted by
 ‘ them.

‘ AND lest it be thought that these Revenues
 ‘ withdrawn and better employed, the Magistrate
 ‘ ought instead to settle by *Statute* some Maintenance of Ministers, let this be consider’d *first*,
 ‘ That it concerns every Man’s Conscience to
 ‘ what Religion he contributes ; and that the Civil Magistrate is intrusted with Civil Rights only, not with Conscience, which can have no
 ‘ Deputy or Representer of it self, but only of
 ‘ the same Mind. (m)

‘ *Next*

(m) This Argument of *Milton’s* may be carried farther, thus, In a State of Nature, none had a Right to oblige others to the Support of a Religion they judg’d was displeasing to God : And none upon the entring into Civil Society, or Bodies Politick, could be suppos’d to be willing to empower the Magistrate to oblige them to bestow their Labour, or give any Part of their Property for the Maintenance of a Religion they thought God disliked ; on the contrary, their entring into Society was to be protected from this as well as any other Imposition. And,

If it be unlawful for private Persons to promote a Religion, by doing of which they think they should offend God ; how can it be lawful for the Magistrate, either directly or indirectly to compel them to it.

If the Magistrate has no Right to deprive People of what they gain by their Labour and Industry for not being of his Religion, we should be glad to know, how he comes to have a Right to compel them to do this for the Maintenance of his Religion.

‘ Next, That what each Man gives to the Minister, he gives either as to God, or as to his Teacher ; if as to God, no Civil Power can justly consecrate to religious Uses any Part either of Civil Revenue, which is the People’s, and must save them from other Taxes, or of any Man’s Propriety, but God by special Command, as he did by *Moses*, or the Owner himself by voluntary Intention, and the Perswasion of his giving it to God: Forc’d Consecrations out of another Man’s Estate, are no better than forc’d Vows ; hateful to God, who *loves a cheerful Giver* ; but much more hateful, wrung out of Men’s Purses to maintain a disapproved Ministry against their Conscience ; however unholy, infamous and dishonourable to his Ministers and the free Gospel, maintained in such unworthy Manner as by Violence and Extortion : If he give it as to his Teacher, what Justice or Equity compels him to pay for learning that Religion which

H 4

‘ leaves

If the Magistrate is oblig’d to put all his Subjects who alike contribute to the publick Good (and hold no Opinions inconsistent with it) upon an equal Foot, how can he force Part of his Subjects to contribute to the Support of a Religion they cannot in Conscience comply with. Surely, they that insist upon this, do not do as they would be done unto.

Bishop *Hoadly* says, in his Answer to the Representation of the Committee of the Lower-House of Convocation. p. 172. “ The Magistrate (as I have often remark’d) can reach with all his Power, no farther than outward Practice ; And the outward Actions of Men, as they affect Humane Society, are the Objects of his Care and Concern. — The Magistrate is not by Temporal Punishments or Sanctions, to determine or concern himself with *Any* Man’s Religion as Religion, but to hinder *Any* Man’s Religion or Conscience from being hurtful to humane Society, by punishing those outward Practices which may proceed from his Conscience, for ought he knows, if they are such as are prejudicial to the *Publick*, which is his peculiar Care, p. 255.

‘ leaves freely to his Choice whether he will learn
 ‘ it or no, whether of this Teacher or another,
 ‘ and especially to pay for what he never learned,
 ‘ or approves not; whereby, besides the Wound
 ‘ of his Conscience, he becomes the less able to
 ‘ recompence his true Teacher. Thus far hath
 ‘ been enquired by whom Church-Ministers ought
 ‘ to be maintained; and hath been prov’d most
 ‘ natural, most equal and agreeable with Scripture,
 ‘ to be by them who receive their Teaching.

‘ It remains lastly to consider, in what Man-
 ‘ ner God hath ordained that Recompence be giv-
 ‘ en to Ministers of the Gospel: And by all Scrip-
 ‘ ture it will appear, that he hath given it to them
 ‘ not by Civil Law and Freehold, as they claim,
 ‘ but by the Benevolence and free Gratitude of
 ‘ such as receive them: Luke x. 7, 8. *Eating and*
 ‘ *drinking such Things as they give you. If they re-*
 ‘ *ceive you, eat such Things as are set before you.*
 ‘ Mat. x. 7, 8. *As ye go, preach saying, the King-*
 ‘ *dom of God is at Hand, &c. Freely ye have re-*
 ‘ *ceived, freely give.* If God has ordained Mini-
 ‘ sters to preach freely, whether they receive Re-
 ‘ compence or not, then certainly he hath forbid
 ‘ both them *to compel it*, and *others to compel it for*
 ‘ *them.* But freely given, he accounts as given to
 ‘ himself. Philip. iv. 16, 17, 18. *Ye sent once and*
 ‘ *again to my Necessity. Not because I desire a Gift;*
 ‘ *but I desire Fruit that may abound to your Account.*
 ‘ *Having receiv’d of Epaphroditus the Things which*
 ‘ *were sent from you, an Odour of sweet Smell, a Sa-*
 ‘ *crifice acceptable, well pleasing to God.* Which
 ‘ cannot be from Force or Unwillingness. The
 ‘ same is said of Alms, Heb. xiii. 16. *To do Good*
 ‘ *and to communicate forget not, for with such Sacri-*
 ‘ *fices God is well pleased.* Whence the Primitive
 ‘ Church thought it no Shame to receive all their
 ‘ Maintenance as the Alms of their Auditors:
 ‘ Which

Which they who defend Tithes, as if it made
 for their Cause, when as it utterly confutes them,
 omit not to set down at large; proving to our
 Hands out of *Origen*, *Tertullian*, *Cyprian*, and
 others, that the Clergy had their Portions given
 them in Baskets; and were thence called *Sportu-*
larii, *Basket-Clerks*: That their Portion was a
 very mean Allowance, only for a bare Liveli-
 hood; according to those Precepts of our Savi-
 our, *Mat. x. 7. &c.* the rest was distributed to
 the Poor. They cite also out of *Prosper*, the
 Disciple of *St. Austin*, that such of the Clergy
 as had Means of their own, might not without
 Sin partake of Church-Maintenance, not re-
 ceiving thereby Food which they abound with,
 but feeding on the Sins of other Men: that the
 Holy Ghost saith of such Clergy-men, *they eat*
the Sins of my People: And that a Council at
Antioch, in the Year 340, suffered not either
 Priest or Bishop to live on Church-Maintenance
 without Necessity. Thus far Tithers themselves
 have contributed to their own Confutation, by
 confessing that the Church lived primitively on
 Alms. And I add, that about the Year 359,
Constantius the Emperor having summon'd a ge-
 neral Council of Bishops to *Ariminum* in *Italy*,
 and provided for their Subsistence there, the
British and *French* Bishops judging it not decent
 to live on the Publick, chose rather to be at their
 own Charges. Three only out of *Britain*, con-
 strain'd through Want, yet refusing offer'd As-
 sistance from the rest, accepted the Emperor's
 Provision; judging it more convenient to subsist
 by publick than by private Sustenance. Whence
 we may conclude, that *Bishops* then, in this
 Island, had their Livelihood only from Benevo-
 lence. In which Regard this Relater *Sulpitius*
Severus,

‘ *Severus*, a good Author of the same Time, highly
 ‘ praises them.

‘ AND the *Waldenses*, our first Reformers, both
 ‘ from the Scripture and these primitive Exam-
 ‘ ples, maintained those among them who bore
 ‘ the Office of Ministers, by Alms only. Take
 ‘ the very Words from the History written of
 ‘ them in *French*, Part 3. l. 2. c. 2. *La Nourriteur*
 ‘ *et ce de quoy nous sommes couverts*, &c. *Our Food*
 ‘ *and Cloathing is sufficiently administred and given us*
 ‘ *by Way of Gratitude and Alms, by the good People*
 ‘ *whom we teach*. If then by Alms and Benevo-
 ‘ lence, not by LEGAL FORCE, not by Tenure
 ‘ of Freehold or Copyhold: For Alms, tho’ just,
 ‘ cannot be compelled; and Benevolence forced,
 ‘ is Malevolence rather, violent and inconsistent
 ‘ with the Gospel; and declares him no true Mi-
 ‘ nister thereof, but a rapacious Hireling rather,
 ‘ who by Force receiving it, eats the Bread of Vi-
 ‘ olence and Exaction, no holy or just Livelihood,
 ‘ no not civilly counted honest, much less be seem-
 ‘ ing such Spiritual Ministr y. But,

‘ THEY pretend that their Education either at
 ‘ School or University, hath been very chargea-
 ‘ ble, and therefore ought to be repaired in future
 ‘ by a plentiful Maintenance; when as it is well
 ‘ known, that the better half of them, are oft-
 ‘ times poor and pitiful Boys of no Merit, or pro-
 ‘ mising Hopes, that might intitle them to the
 ‘ publick Provision, but their Poverty, and the
 ‘ unjust Favour of Friends, have had most of their
 ‘ Breeding both at School and University, by
 ‘ Scholarships, Exhibitions and Fellowships at
 ‘ the publick Cost; which might engage them
 ‘ the rather to give freely, as they have freely re-
 ‘ ceived.

‘ BUT they will say, we had betaken us to some
 ‘ other Trade or Profession, had we not expected

‘ to

* to find a better Livelihood by the Ministry.
 * This is that which I looked for, to discover them
 * openly neither true Lovers of Learning, and so
 * very seldom guilty of it, nor true Ministers of
 * the Gospel. So long ago out of Date, is that
 * old true Saying, 1 Tim. iii. 1. *If a Man desire*
 * *a Bishoprick, he desires a good Work:* For now
 * commonly he who desires to be a Minister,
 * looks not at the Work but at the Wages; and
 * by that Lure, or Low-bell, may be toll'd from
 * Parish to Parish, all the Town over. But what
 * can be plainer *Simony*. than thus to be at Charges
 * beforehand, to no other End, than to make
 * their Ministry doubly or trebly Beneficial? To
 * whom it might be said as justly as that to *Simon*,
 * *Thy Money perish with thee, because thou hast*
 * *thought that the Gift of God may be purchas'd with*
 * *Money: Thou hast neither Part nor Lot in this*
 * *Matter.*

* NEXT, it is a fond Error, though too much
 * believed among us, to think that the University
 * makes a Minister of the Gospel; what it may
 * conduce to other Arts and Sciences, I dispute
 * not now: But that which makes fit a Minister,
 * the Scripture can best inform us to be only from
 * above; whence also we are bid to seek them,
 * *Matth. ix. 38. Pray ye therefore the Lord of the*
 * *Harvest, that he will send forth Labourers into his*
 * *Harvest.* Acts xx. 28. *The Flock over which the*
 * *Holy Ghost hath made you Overseers.* Rom. x.
 * 15. *How shall they preach, unless they be sent?*
 * By whom sent? By the University, or the Ma-
 * gistrate, or their Belly? No surely: But sent
 * from God only, and that God, who is not their
 * Belly. And whether he be sent from God, or
 * from *Simon Magus*, the inward Sense of his Con-
 * sciousness and Spiritual Ability will sufficiently tell
 * him; and that strong Obligation felt within
 * him,

' him, which was felt by the Apostle, will often
 ' express from him the said Words, 1 Cor. ix. 16.
 ' *Necessity is laid upon me, yea, Woe is me, if I*
 ' *preach not the Gospel.* Not a beggarly Necessity,
 ' and the Woe feared otherwise of perpetual Want,
 ' but such a Necessity as made him willing to
 ' preach the Gospel *Gratis*, and to embrace Po-
 ' verty, rather than as a Woe to fear it, 1 Cor.
 ' xii. 28. *God hath set some in the Church, first Apo-*
 ' *stles, &c. Eph. iv. 11. &c. He gave some Apostles,*
 ' *&c. For the perfecting of the Saints, for the Work*
 ' *of the Ministry, for the edifying of the Body of*
 ' *Christ, till we all come to the Unity of the Faith.*
 ' Whereby we may know that as He made them
 ' at the first, so He makes them still, and to the
 ' World's End. 2 Cor. iii. 6. *Who hath also made*
 ' *us fit or able Ministers of the New Testament.* 1
 ' Tim. iv. 14. *The Gift that is in thee, which was*
 ' *given thee by Prophecy, and the laying on of the*
 ' *Hands of the Presbytery.* These are all the means
 ' which we read of required in Scripture to the
 ' making of a Minister: All this is granted, you
 ' will say: But yet it is also requisite he should be
 ' trained up in other Learning, which can be no
 ' where had than at Universities.

' *I answer,* THAT what Learning, either hu-
 ' mane or divine, can be necessary to a Minister,
 ' may as easily, and less chargeable, be had in any
 ' private House. How deficient else, and to how
 ' little Purpose, are all those Piles of Sermons,
 ' Notes and Comments on all Parts of the Bible,
 ' Bodies and Marrows of Divinity, besides all
 ' other Sciences, in our *English* Tongue; many of
 ' the same Books which in *Latin* they read at the
 ' University? And the small Necessity of going
 ' thither to learn Divinity, I prove, first, from
 ' the most Part of themselves, who seldom con-
 ' tinue there till they have got through Logick,
 ' their

‘ their first Rudiments ; though to say Truth,
 ‘ Logick also may much better be wanting in
 ‘ Disputes of Divinity, than in the subtle Debates
 ‘ of *Lawyers* and *Statesmen*, who yet seldom or
 ‘ never deal with Syllogisms.

‘ AND those Theological Disputations there
 ‘ held by Professors and Graduates, are such as
 ‘ tend least of all to the Edification, or Capacity
 ‘ of the People, but rather perplex, and leaven
 ‘ pure Doctrine with Scholastical Trash, than en-
 ‘ able any Minister to the better Preaching of
 ‘ the Gospel. Whence we may also compute,
 ‘ since they come to Reckonings, the Charges of
 ‘ his needful Library ; which, though some shame
 ‘ not to value at 600 *l.* may be competently fur-
 ‘ nished for 60 *l.* If any Man, for his own Curio-
 ‘ sity or Delight, be in Books farther expensive,
 ‘ that is not to be reckon’d as necessary to his Mi-
 ‘ nisterial, either Breeding or Function.

‘ BUT *Papists* and other Adversaries, cannot be
 ‘ confuted without Fathers and Councils, immense
 ‘ Volumes, and of vast Charges. I will shew
 ‘ them therefore a shorter and better Way of Con-
 ‘ futation. Tit. i. 9. *Holding fast the faithful Word,*
 ‘ *as he hath been taught, that he may be able by sound*
 ‘ *Doctrine, both to exhort and convince Gainsayers :*
 ‘ Who are confuted as soon as heard, bringing
 ‘ that which is either not in Scripture, or against it.
 ‘ To pursue them farther, through the obscure
 ‘ and entangled Wood of *Antiquity, Fathers and*
 ‘ *Councils*, fighting one against another, is need-
 ‘ less, endless, not requisite in a Minister, and
 ‘ refused by the first Reformers of our Religion.

‘ NEITHER speak I this in Contempt of Learn-
 ‘ ing, or the Ministry, but hating the common
 ‘ Cheats of both ; hating that they who have
 ‘ preached out Bishops, Prelates and Canonists,
 ‘ should, in what serves their own Ends, retain
 ‘ their

' their false Opinions, their Pharisaical Leaven,
 ' their Avarice, and closely their Ambition, their
 ' Pluralities, their Non-residences, their *odious*
 ' *Fees*, and use their Legal and Popish Arguments
 ' for *Tithes*; that *Independents* should take that
 ' Name, as they may justly, from the true Free-
 ' dom of Christian Doctrine and Church Discipline;
 ' subject to no superior Judge, but God only, and
 ' *seek to be Dependents on the Magistrate for their*
 ' *Maintenance*. Which two Things, Independency
 ' and State-Hire in Religion, can never consist long
 ' or certainly together. For Magistrates at one
 ' Time or other, not like these at present (*n*) our
 ' Patrons of Christian Liberty, will pay none but
 ' such whom, by their Committees of Examinati-
 ' on, they find conformable to their Interests and
 ' Opinions; and Hirelings will soon frame them-
 ' selves to that Interest, and those Opinions, which
 ' they see best pleasing to their Paymasters; and
 ' to seem right themselves, will force others as to
 ' the Truth.

' But most of all, they are to be revil'd and
 ' sham'd, who cry out with the distinct Voice of
 ' Notorious Hirelings, *That if ye settle not our Main-*
 ' *tenance by Law, farewell the Gospel*; than which no-
 ' thing can be utter'd more false, more ignominious,
 ' and, I may say, more blasphemous, against our
 ' Saviour; who hath promised, without this Con-
 ' dition, *both his Holy Spirit, and His own Pre-*
 ' *sence with the Church to the World's End*. Nothing
 ' more false (unless with their own Mouths they
 ' condemn themselves for the Unworthiest and
 ' most mercenary of all other Ministers) by the
 ' Experience of Three Hundred Years after Christ,
 ' and

(*n*) *The Parliament of the English Commonwealth in 1659*
to whom Milton was Secretary for Foreign Affairs.

‘ and the Churches at this Day in *France, Austria, Polonia*, and other Places, witnessing the contrary, under an adverse Magistrate, not a favourable: Nothing more ignominious, levelling, or rather undervaluing, *Christ* beneath *Mabomet*.

‘ FOR, if it must be thus, how can any *Christian* object it to a *Turk*, *That his Religion stands by Force only*; and not justly fear from him this Reply, *Yours both by Force and Money in the Judgment of your own Teachers*. This is that which makes *Atheists* in the Land, whom they so much complain of: Not the Want of Maintenance, or Preachers, as they alledge, but the many *Hirelings* and *Cheaters* that have the Gospel in their Hands: Hands that still crave and are never satisfied. Likely Ministers indeed, to proclaim the Faith, or to exhort our Trust in God, when they themselves will not trust Him to provide for them, in the Message whereon, they say, He sent them, but threaten for Want of Temporal Means to desert it; calling that Want of Means, which is nothing else but the Want of their own Faith; and would force us to pay the *Hire* of building our Faith to their covetous Incredulity.

‘ DOUBTLESS, if God only be He, *who gives Ministers to His Church till the World’s End*; and through the whole Gospel, never sent us for Ministers to the Schools of Philosophy, but rather bids us *Beware of such vain Deceit*, Col. ii. 8. (which the Primitive Church, after two or three Ages, not remembring, brought herself quickly to Confusion.) If all the Faithful be now *An Holy and a Royal Priesthood*, 1 Pet. ii. 5, 9. not excluded from the Dispensation of Things Holiest, after free Election of the Church, and Imposition of Hands, there will not want Ministers elected
‘ out

‘ out of *all Sorts and Orders of Men*, for the Gos-
 ‘ pel makes no Difference from the *Magistrate him-*
 ‘ *self, to the meanest Artificer*, if God evidently fa-
 ‘ vour him with Spiritual Gifts, as he can easily,
 ‘ and oft has done, while those Batchelor Di-
 ‘ vines, and Doctors of the Tippet, have been
 ‘ passed by.

‘ HERETOFORE, in the first Evangelical Times
 ‘ (and it were happy for *Christendom* if it were so
 ‘ again) Ministers of the Gospel were by nothing
 ‘ else distinguished from other Christians, but by
 ‘ their Spiritual Knowledge, and Sanctity of Life,
 ‘ for which the Church elected them to be her
 ‘ Teachers and Overseers, though not thereby to
 ‘ separate them from whatever Calling she then
 ‘ found them following besides, as the Exam-
 ‘ ple of *St. Paul* declares, and the first Times of
 ‘ Christianity.

‘ WHEN once they affected to be called a *Cler-*
 ‘ *gy*, and became as it were a peculiar *Tribe of Le-*
 ‘ *vites*, a Party, a distinct Order in the *Common-*
 ‘ *Wealth*, bred up for Divines in Babling-Schools,
 ‘ and fed at the Publick Cost, good for nothing
 ‘ else but what was good for nothing, they soon
 ‘ grew idle; that Idleness, with Fulness of Bread,
 ‘ begat Pride, and perpetual Contention with their
 ‘ Feeders, the despised Laity, through all Ages
 ‘ ever since, to the perverting of Religion, and
 ‘ the Disturbance of all *Christendom*.

‘ AND we may confidently conclude, it never
 ‘ will be otherwise, while they are thus upheld
 ‘ undepending on the Church, on which alone they
 ‘ anciently depended; and are by the Magistrate
 ‘ publickly maintain’d, a numerous Faction of
 ‘ indigent Persons, crept for the most Part out
 ‘ of extreme Want and bad Nurture, claiming by
 ‘ *Divine Right and Freehold*, the Tenth of our
 ‘ Estates, to monopolize the Ministry as their
 ‘ Peculiar;

‘ *Peculiar*, which is Free and Open to all able Christians, elected by any Church.

‘ UNDER this Pretence, *exempt* from all other Employment, and enriching themselves on the Publick, they last of all prove common Incendiaries, and exalt their Horns against the Magistrate himself that maintains them, as the Priest of *Rome* did soon after, against his Benefactor the Emperor; and the Presbyters of late in *Scotland*. Of which *Hireling Crew*, together with all the Mischiefs, Dissentions, Troubles, Wars, meerly of their kindling, *Christendom* might soon rid her self and be happy, if *Christians* would but know their own *Dignity*, their *Liberty*, their *Adoption*, and let it not be wonder’d, if I say their Spiritual Priesthood, whereby they have all equally Access to any Ministerial Function, whenever called by their own Abilities and the Church, though they never came near Commencement or University.

‘ BUT while *Protestants*, to avoid the due Labour of Understanding their Religion, are content to lodge it in the *Breast*, or rather in the Books of a Clergy-man, and to take it thence by Scraps and Mammocks, as he dispenses it, in his Sunday’s Dole, they will be always learning and never knowing; always Infants, always either his Vassals, as Lay-Priests are to their Priests, or at odds with him, as Reformed Principles give them some Light to be not wholly conformable, whence infinite Disturbances in the State, as they do, must needs follow.

‘ THUS much I had to say; and I suppose, what may be enough to them who are not avariciously bent otherwise, touching *The likeliest Means to remove Hirelings out of the Church*; than which nothing can more conduce to *Truth*, to *Peace*, and *all Happiness* both in *Church* and *State*.

‘ If I be not heard nor believed, the Event will
 ‘ bear me Witness to have spoken Truth: And I
 ‘ in the mean while have born my Witness, not out
 ‘ of Season, to the Church and to my Country.”

THESE, Reader, are the Sentiments of this Learned Writer, concerning *Titles* and *Hireling Ministers*, to which we shall add his Description of Christ’s true Disciples and Followers; and the Usage they have met with in the World through all Ages of the Church, to this Day; taken out of that excellent Poem *Of Paradise Lost*.

AFTER the Angel had told *Adam*, how the Messiah and Restorer of Lost Man, to be born of his Seed, should be put to Death, and rise again from the Dead, and ascend into Heaven; the Poet makes *Adam* to enquire thus of the Angel.

‘ But say, if our Deliv’rer up to Heav’n
 ‘ Must reascend, what will betide the Few
 ‘ His Faithful, left among th’ unfaithful Herd,
 ‘ The Enemies of Truth; who then shall guide
 ‘ His People, who defend? Will they not deal
 ‘ Worse with his Followers, than with him they dealt?

‘ Before they will, said th’ Angel, but from Heav’n
 ‘ He to his own a Comforter will send,
 ‘ The Promise of the Father, who shall dwell
 ‘ His Spirit within them; and the Law of Faith
 ‘ Working thro’ Love, upon their Hearts shall write,
 ‘ To guide them in all Truth, and also arm
 ‘ With Spiritual Armour; able to resist
 ‘ Satan’s Assaults, and quench his fiery Darts,
 ‘ What Men can do against them, not afraid,
 ‘ Tho’ to the Death, against such Cruelties
 ‘ With inward Consolations recompenc’d,
 ‘ And oft supported so as shall amaze

Their

' Their proudest Persecutors : For the Spirit
 ' Pou'r'd first on his Apostles, whom he sends
 ' T' evangelize the Nations, then on all
 ' Baptiz'd, shall then with wondrous Gifts endue
 ' To speak all Tongues, and do all Miracles,
 ' As did their Lord before them. Thus they win
 ' Great Numbers of each Nation to receive
 ' With joy the tidings brought from Heav'n : at length
 ' Their Ministry perform'd, and Race well run,
 ' Their Doctrine and their Story written left,
 ' They die ; but in their Room, as they forewarn,
 ' Wolves shall succeed for Teachers, grievous Wolves,
 ' Who all the sacred Mysteries of Heav'n
 ' To their own vile Advantages shall turn
 ' Of (o) Lucre and Ambition, and the Truth
 ' With Superstitions and Traditions taint,
 ' Left only in those Written Records pure,
 ' Tho' not but by the Spirit understood.
 ' Then shall they seem t' avail themselves of Names,
 ' Places and Titles, and with these to join
 ' Secular Pow'r, tho' feigning still to act
 ' By spiritual, to themselves appropriating

I 2

' The

(o) The famous Quesnelle says, That Avarice, and the Love of Money has always persecuted Jesus Christ ; The Avarice of the Jewish Priests during his Life-Time ; The Avarice of an Apostle at his Death ; The Avarice of the Soldiers after his Resurrection ; and the Avarice of bad Clergy-men to the very End of the World. — The most Ancient and most Cruel Persecutor of the Church is Money in corrupt Clergy-men and in the Soldiers. See his Reflections on Mat. xxviii. 15. in the New-Testament with Moral Reflections, which was condemn'd and prohibited by the Constitution or Bull Unigenitus of Pope Clement xi.

L'avarice & l'amour des faux Biens a toujours persecuté Jesus Christ, L'avarice des Prêtres Juifs, durant sa Vie ; celle d'un Apôtre en sa Mort ; celle des Soldats, apres sa Resurrection ; celle des mauvais Ecclesiastiques jusque à la Fin du Monde. — Le plus ancien & le plus cruel Persecuteur de l'Eglise, c'est l'Argent dans les Ecclesiastiques corrompus, & dans les Gens de Guerre.

- ‘ *The Spirit of God, promis’d alike and giv’n*
- ‘ *To all Believers ; and from that Pretence*
- ‘ *Spiritual Laws by Carnal Pow’r shall force*
- ‘ *On ev’ry Conscience : Laws which none shall find*
- ‘ *Left them Enroll’d, or what the Spirit within*
- ‘ *Shall on the Heart engrave. What will they then*
- ‘ *But force the Spirit of Grace it self, and bind*
- ‘ *His Comfort Liberty ; what, but unbuild*
- ‘ *His living Temples, built by Faith to stand,*
- ‘ *Their own Faith not another’s ; for on Earth*
- ‘ *Who against Faith and Conscience can be heard*
- ‘ *Infallible ? Yet many will presume :*
- ‘ *Whence heavy Persecutions shall arise*
- ‘ *On all who in the Worship persevere*
- ‘ *Of Spirit and Truth ; the Rest, far greater Part,*
- ‘ *Will deem in Outward Rites and specious Forms*
- ‘ *Religion satisfy’d ; Truth shall retire*
- ‘ *Bestuck with stand’rous Darts, and Works of Faith*
- ‘ *Rarely be found : So shall the World go on,*
- ‘ *To Good malignant, to bad Men benign,*
- ‘ *Under her own Weight groaning till the Day*
- ‘ *Appear of Respiration to the Just,*
- ‘ *And Vengeance to the Wicked. —————*

BUT now to speak a little more of the Author of the *Great Case of Tithes* : In the Year 1652, when he was a Justice of the Peace in *Westmorland*, it pleased God to raise up, and send forth as Ministers of the Everlasting Truth and Gospel of Christ Jesus, several of the despised People call’d in Scorn *Quakers* : And two of them being brought before him and others, when sitting on the Bench, at the *Assizes* held at *Appleby* ; in the Examination, amongst other Questions, he puts this to one of them.

Why dost thou speak against TITHES which are allowed by the States ?

I meddle not (said the *Quaker*) with the States ; I speak against them that are Hirelings, as they are Hirelings ; those that were sent of *Christ*, never took Tithes, nor ever sued any for Wages.

Justice *Pearson* reply'd, *Dost thou think we are so beggarly as the Heathens, that we cannot afford our Ministers Maintenance ? We give it them freely.*

THEY are (said the *Quaker*) the Ministers of Christ, who abide in the Doctrine of Christ.

Justice *Pearson* reply'd, *But who shall judge ? How shall we know them ?*

BY their Fruits (said the *Quaker*) you shall know them ; they that abide not in the Doctrine of Christ, make it appear they are not the Ministers of Christ.

Justice *Pearson* reply'd, *That is true.*

AT this very Trial, we are well informed, our Author was convinc'd of the Principles which the *Quakers* profess'd, and soon after became an Advocate for them ; so powerful was the Truth in those Days, in the Mouths of illiterate Men ; Men, who having experienced the purifying Virtue of the Holy Spirit, were made willing, nay, were constrain'd by the *Efficacy* and *Virtue* of it, to go forth into the World, and proclaim the Power of God nigh in the Heart, for the cleansing of Sinners, if they would but turn their Minds unto it.

THIS Power, this Spirit of God, they having found to be near, and in them, their Message was to direct the Minds of People, to *Christ* in themselves, *The true Light which lighteth every Man that cometh into the World*, John i. 9. To this they recommended all People, to have Regard, as to their true and only Teacher, Sanctifier and Redeemer.

BUT, to give it in the Words of (p) One of the First of those People, ‘ Now, says he, when the Lord God, and his Son Jesus Christ, did send me forth into the World, to preach his everlasting Gospel and Kingdom, I was glad, that I was commanded to turn People to that inward Light, Spirit and Grace, by which all might know their Salvation, and their Way to God ; even that Divine Spirit, which would lead them into all Truth, and which I infallibly knew, would never deceive any.

‘ BUT with and by this Divine Power and Spirit of God, and the Light of Jesus, I was to bring People off from all their own Ways, to Christ the new and living Way ; and from their Churches (which Men had made and gathered) to the Church in God, the General Assembly written in Heaven, which Christ is the Head of ; and off from the World’s Teachers made by Men, to learn of Christ, who is the Way, the Truth, and the Life, of whom the Father said, *This is my beloved Son, hear him* ; and off from all the World’s Worshipps, to know the Spirit of Truth in the inward Parts, and to be led thereby ; that in it they might worship the Father of Spirits, who seeks such to worship him : Which Spirit they that worshipped not in, knew not what they worshipp’d.

‘ AND, I was to bring People off from *Jewish Ceremonies*, and from *Heathenish Fables*, and from *Men’s Inventions* and windy *Doctrines*, by which they blowed the People about, this Way and the other Way, from Sect to Sect ; and all their beggarly *Rudiments*, with their *Schools* and *Colledges*, for making *Ministers* of Christ, who
‘ are

‘ are indeed *Ministers* of their own making, but
 ‘ not of Christ’s. And all their *Images* and *Crosses*,
 ‘ and *sprinkling Infants*, with all their Holy-Days
 ‘ (so call’d) and all their vain *Traditions*, which
 ‘ they had gotten up, since the Apostle’s Days,
 ‘ which the Lord’s Power was against ; and in the
 ‘ Dread and Authority thereof was I moved to de-
 ‘ clare against them all ; and against all that preach-
 ‘ ed, and not freely ; as being such, as had not
 ‘ *received freely* from Christ.’

HERE we see, this *Messenger*, whom the Lord
 had *first* fitted and prepar’d by His Wisdom, Pow-
 er and Spirit (by whose *Ministry* Thousands were
 turn’d to Christ in themselves, and the true Wor-
 ship of the Father in Spirit and Truth) was glad
 that he was sent by God to preach His everlasting
 Gospel and Kingdom ; and a Necessity was laid
 upon him, as on the Apostle of old, *such a Necessi-*
sity (to use *Milton’s* Words (q)) *as made him willing*
to preach the Gospel GRATIS ; a strong Obligation felt
within him, which was felt by the Apostle ; and let
 any one judge, whether this was not a better Com-
 mission and Authority than the Ordination of any
 Bishop, or even of the Pope himself.

Now as these *Messengers* and *Ministers* of Christ,
 had receiv’d their Commission to preach, from the
 Love of God first wrought in their Heart, so by
 the same Love were they constrain’d to call to, and
 invite others to come and partake with them, of the
 Love of God in Christ Jesus, which they had ex-
 perienced : And at the same Time to declare a-
 gainst all *Hireling Ministers*.

In this Manner does that *Messenger*, by whom
 our Author was convinced, invite and call to Peo-
 ple : ‘ You poor scattered Sheep, who have been
 I 4 ‘ scattered

(q) See Page 106.

' scattered by these Hirelings, come out of the
 ' World, and Worldly Cares and Pleasures, and
 ' return to the Lord in Spirit, He is within you,
 ' and there, if you wait in Spirit, you shall hear
 ' Him speak to your Spirits, to the directing your
 ' Minds out of all the Works of Darknes and Sin,
 ' up to God where no Sin is, nor unclean Thing
 ' can come. He is not to be found in the World,
 ' nor formal Worship, nor in humane Wisdom
 ' and Learning; but He is only to be found as He
 ' reveals Himself freely, to those who patiently
 ' wait for Him in Spirit.

' *Dear People,* To you that love the Lord above
 ' all earthly Things, and yet have not your Minds
 ' directed where to wait for Him, to you I speak,
 ' to your Souls, that lie in Death till they hear the
 ' Voice of the Son of God: *He is near you*, who is
 ' the Way to the Father: Look not out, *He is*
 ' *within you*: That which I know declare I unto
 ' you, and the Way I know, where I have found
 ' my Beloved, my Saviour, my Redeemer, my
 ' Husband, my Maker, who hath set me above
 ' all the World, my Sins, my Fears, my Sorrows,
 ' my Tears, into His Love, to live with Him
 ' in Spirit for ever; but dying daily to all visible
 ' Things: Praises, Praises to my Father for ever.

' THE Night is far spent, the Day is at hand;
 ' come out of Darknes all that love the Lord, into
 ' His marvellous Light, where you shall see what
 ' you have been, and what you are redeemed from,
 ' that you may live and praise the Lord; for it is
 ' the Living that praise the Lord, and not the
 ' Dead: Arise, come out of Death, come away,
 ' and let us rejoice together in His Love, in the
 ' Life of our King, even so, Amen.'

THESE Messengers who went forth thus, in the
 Love of God, to win Souls unto Christ, were no
 Ways concern'd before hand, how they should
 have

have a *Maintenance*, but loving Christ above all, they left what was near and dear to them in this World, and follow'd the Movings of His Holy Spirit, as did the Apostles of old: And when some, in Behalf of the *Ministers* of those Times, petition'd *Oliver Cromwel* and the Parliament, to settle a *Maintenance* upon them, ' *Lest* (as they say in their Petition) *the Want of sufficient Maintenance should lay them open to the Contempt of their Persons and Doctrine, and put them upon a Temptation to hang upon the Favour of their Carnal People, in a Man-pleasing Way, or be forced off of their Gospel Employment, to attend on Food and Raiment: And lastly, lest their poor Widows and Fatherless be driven to Extremities when they are dead, they being able to lay up nothing for them, while they lived.*'

THIS Petition of the *Ministers*, was answered by one call'd a *Quaker*, in a Paper address'd to *Oliver Cromwel* and those in Authority: ' It being a Matter of the greatest Concernment to every Man's Conscience that loves Christ, not to uphold any *Ministry*, under any Pretence whatsoever, which is not sent by Christ: Therefore take Heed, as you tender a pure Conscience, to give Liberty herein, that there be no forcing to uphold any one Soul that say they are *Ministers*; but that every one herein make Proof of his *Ministry*, and so shall every Man's Reward be as his Work. And you *Magistrates* shall not need to meddle in this Thing, seeing God never required it at your Hands, to force a *Maintenance*, neither under Law nor Gospel.

' But if it be said, this is the only Way to root out the *Ministers* of Christ. I answer, It's the only Way to manifest the *Ministers* of Christ, from the *Ministers* of Antichrist, and it will root out none but such whose Care is first for their
' Bellies,

‘ Bellies, who mind earthly Things, whose *Ministry*
 ‘ *Ministry* stands and falls by carnal Things, who
 ‘ would be sure of Wages before they do their
 ‘ Work ; yea, many of them have taken Wages
 ‘ these forty or fifty Years, but yet no Work
 ‘ done, nor any brought out of Sin ; and these cry
 ‘ the Workman is worthy of his Wages, and call
 ‘ for Wages from such, for whom they do no
 ‘ Work ; but these are none of Christ’s Workmen,
 ‘ who seek for their Wages from the World, for
 ‘ His He sends freely into the World, who never
 ‘ ask’d any Thing of the World ; but first plant-
 ‘ ed a Vineyard, then eat the Fruit of it ; first
 ‘ sowed in Hope, and then were Partakers of their
 ‘ Hope ; and where they had sown Spirituals, and
 ‘ the Seed came up, there they reaped Carnals, and
 ‘ so lived of the Gospel, and not of the World.

‘ AND I demand of any one who owns the Scrip-
 ‘ tures, to prove a *forced Maintenance* either under
 ‘ the Law or Gospel, but they were freely to
 ‘ bring it. But who art thou that sayest the Times
 ‘ are not so now ? Thee I deny, and thy *Ministry*,
 ‘ which follows the Times, and not Christ, nor
 ‘ the Saints Practice in Scripture ; stop thy Mouth
 ‘ for ever being counted a *Minister* of Christ, who
 ‘ art not content with His Allowance, as His have
 ‘ always been, for God is not changed, nor His
 ‘ Worship, nor Worshipers. But if you say, this
 ‘ will soon bring the *Ministers* to be poor, I say,
 ‘ you know not God, nor His Care for His, who
 ‘ so argue ; for never was the Righteous, nor that
 ‘ Seed, begging Bread. Against that desponding
 ‘ Mind do I bear Witness, who was sent out with-
 ‘ out Bag or Scrip, or Money, into the most
 ‘ brutish Parts of the Nation, where none knew
 ‘ me, yet wanted I nothing. In Prisons, in Beat-
 ‘ ings, in Stonings, in Mocking, my Joy I would
 ‘ not

‘ not change for all the Parsonages in the World,
‘ nor shall any Hireling partake of it.

‘ AND you that would have others *forced* to
‘ maintain your Teachers, but would not be *forced*
‘ to maintain others who differ in Judgment, tho’
‘ nearer the Scripture than yours, how do you ful-
‘ fil the Law of Christ, in doing as you would be
‘ doneby? What is this but to Lord it over the
‘ Conscience of your Brethren?’

WHEN this Evangelical Doctrine began to spread
in this Nation, it so alarm’d the *Hireling Ministers*
of all Denominations, that they rose up as one
Man against the Publishers of it, and endeavour’d
to perswade the People, that they were Deniers of
Christ and His Ordinances, and that they under-
valu’d the Holy Scriptures; and some who were
call’d *Independent Teachers*, (such as Milton says,
sought to be Dependent on the Magistrate for their
Maintenance) apply’d themselves to the Rulers, and
said, ‘ It is our Desire, that Countenance be not giv-
‘ en unto, nor Trust reposed in the Hand of Quakers,
‘ being Persons of such Principles that are destructive
‘ to the Gospel, and inconsistent with Peace and Civil
‘ Society.’ But this Request of the *Independent*
Teachers, met with the following Animadversion
from one call’d a *Quaker*; ‘ As for your Desire
‘ that we should not have the Countenance of
‘ Men, we say, the Light of God’s Countenance
‘ is much better, and we cannot look for both
‘ while Men take your Counsel; and our Trust
‘ is in God, in whose Hand we are, and not in
‘ our own, and from Men we may not seek Re-
‘ pose: Better it is (for the present) to suffer with
‘ Christ, than to reign in your Kingdom, or be
‘ honour’d with your Glory. So in Patience stands
‘ our Peace with God, even whilst our Names are
‘ cast out as evil with Men. But for your Accu-
‘ sation of our Persons and Principles, to be
‘ destructive

' destructive to the Gospel and Civil Society, take
 ' that back again to your selves ; our Persons we
 ' boast not in, but our *Principles are Truth*, ground-
 ' ed upon the Light of Jesus, and Leadings of His
 ' Holy Spirit, and whatever is contrary we con-
 ' demn ; and this we certainly know will never be
 ' destructive to Christ's Gospel, only your Gospel
 ' it will destroy, whose Foundation stands not up-
 ' on the Power of the Spirit of Jesus, but upon
 ' Tithes, or some settled Maintenance carnal, as
 ' *full, as secure* by a carnal *Law*, else it is liable to
 ' *Destruction*, as your selves confess. (r) And this
 ' know, that your Gospel, that must needs be de-
 ' stroyed if Tithes fall, is not that Gospel which
 ' the Apostles preached ; for that Gospel began
 ' most of all to flourish when Tithes went down,
 ' the Priesthood that received them, and the Law
 ' that gave them ; which you may read of in the
 ' Apostle's Epistle to the *Hebrews* (which Law
 ' never took Tithes by *Force*, as the *Papist's* Law
 ' did.) And now you have often said, *That who-*
 ' *soever preaches another Gospel, let him be accursed ;*
 ' so take heed that your own Words condemn you
 ' not, and your own Weapon pierce not your own
 ' Bowels ; for the Lord hath heard your Words.
 ' And this we know, that the Gospel of Christ
 ' which the Apostles preached, was upheld by the
 ' *Power* of an *endless Life*, by which they were also
 ' made able Ministers, and did not fall when Tithes
 ' fell, but then so much the more flourished into
 ' such Bounty, that the Publishers thereof, who
 ' had nothing, did in it enjoy all Things : Which
 ' Gospel

(r) *These Independent Teachers had said, We judge that the*
taking away Tithes for the Maintenance of Ministers, until
as full a Maintenance be equally secured, and as legally set-
led, tends much to the Destruction of the Ministry, and
Preaching of the Gospel, in these Nations.

‘ Gospel both your Words and your Actions de-
 ‘ clare daily you live not on ; but like Men who
 ‘ have lost the Counsel of God, you act both contra-
 ‘ ry to Law and Gospel. Was not this the Counsel
 ‘ of God in the Time of the Law, when the Priests
 ‘ had only Tithes to live on, that then they should
 ‘ have no Magistrate to *force them*, but freely they
 ‘ were to bring their Offerings, that so he might
 ‘ engage the Priest to himself, who was his Porti-
 ‘ on ; and then they never wanted, while they
 ‘ kept the Word, and their Lips preserved Know-
 ‘ ledge to the People. But when the Priests for-
 ‘ got God, then, like Priest, like People, and
 ‘ then they justly wanted as God had said. And
 ‘ would you now have the Magistrate to make a
 ‘ Law to take People’s Goods, and give to such
 ‘ as do not first beget People to God ? Is this to
 ‘ live on the Gospel, or to eat of your own Fruits,
 ‘ as Christ’s Ministers do and ever did ? Thus may
 ‘ the Magistrate do for a while against the Lord,
 ‘ and oppress the Innocent, to feed the Fat and
 ‘ Idle, but the Account is at Hand, in which it
 ‘ will be said, *Did I require it at your Hands ? Am*
 ‘ *not I of Power to maintain my own Servants, who*
 ‘ *have the Hearts of all in my Hands ? Or, what*
 ‘ *Laws will you make for me, who never made Use*
 ‘ *of any in this Case, but the Law of Love, to be ful-*
 ‘ *fill’d in a free Spirit, for in the Household of Christ*
 ‘ *is no Strife about Carnal Things ?* And that Prin-
 ‘ ciple is destructive to the Gospel of Peace, which
 ‘ admits of Strife about their Bellies, or framing
 ‘ Mischief against another by a Law to fill them-
 ‘ selves.

‘ WHEREFORE take heed, ye Rulers, (if it be
 ‘ not too late) how you meddle with *Christ’s King-*
 ‘ *dom*, but kiss the Son, and yield him His King-
 ‘ dom in tender Consciences ; touch not the Apple
 ‘ of the Eye, which sees that to be Sin and Evil,
 ‘ which

‘ which yet you do not, of which you have often
‘ been warned. But if you will make Laws, let
‘ the Scriptures be your Rule without, and the
‘ Spirit of Christ within, enlightning the pure Con-
‘ science, that so you may become tender-hearted
‘ in the Fear of God, that the Edge of your Sword
‘ may be turned against open Wickedness, being
‘ touched with a true Sense of what grieves the Spi-
‘ rit of Christ in your selves, being joined to the
‘ Lord in one Spirit and Life. And this will be
‘ your Wisdom, the Interest of Christ and His
‘ People, and from thence you will receive better
‘ Counsel, and truer Judgment than that which
‘ would stir you up to persecute and force tender
‘ Consciences against their Faith and Knowledge
‘ receiv’d of the Lord Jesus, in Matters of His
‘ Worship, to serve Men of corrupt Minds, hav-
‘ ing Hearts exercised with covetous Practices,
‘ who cannot cease from Sin, and stirring up Na-
‘ tions to devour one another to accomplish their
‘ own Ends.’

F I N I S.

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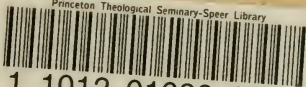
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